

The  
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THE PRUSSIAN CAMPAIGN OF 1758, I.<sup>1</sup>

[THE following pages contain the last historical work of the late Herbert Tuttle, Professor of Modern European History in Cornell University. Shortly after his untimely death, Houghton, Mifflin and Co. published what was thought to be all that the deceased historian had completed of his *History of Prussia*. It seems, however, that this was not the case. When Professor Tuttle left Ithaca for the last time for Clifton Springs, in 1894, he packed up with several books the manuscript on which he had last been working, in the hope that his health would permit him to continue his labors. Mrs. Tuttle was unaware of this and entrusted to the publishers only the completed chapters that appeared in book form with a sympathetic memoir by Professor Herbert B. Adams. The chapter now presented to the readers of the AMERICAN HISTORICAL REVIEW, and presenting an account of the campaign of 1758, extending to October, bears characteristic marks of the ripe knowledge and scholarly workmanship which made Professor Tuttle's *History of Prussia* the best authority in the English language upon the subject. Special mention should be made of the care he displayed in examining the primary sources of the period. He went to the expense of having copied for him in London much of the correspondence of the Duke of Newcastle, which is preserved in the British Museum and the importance of which has only recently been made known to students of the history of the eighteenth century. The love of truth, grasp of the period and minute care to assure correctness of detail, which distinguished all the work of the historian of Prussia, show no diminution in the last paragraphs that came from his hand. The editors of the AMERICAN HISTORICAL REVIEW hereby express their gratitude to Mrs. Mary McArthur Tuttle for her kindness in permitting them to publish in its pages the last contribution to history made by her accomplished husband.]

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IF the year 1757 was remarkable for the tardy close, the following year was not less remarkable for the early opening of hostilities,

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so that the period of general rest was short. It was quite in the fitness of things too that the Russians, who were then the first to retire, should now be the first to begin. Apraxin's successor, General Fermor, like Apraxin himself, was not a man from whom much was expected by those who knew the scale of military reputations at the Russian capital; but his sovereign's orders were now imperative, his troops were hardened to severe weather, and in the middle of January he marched upon the capital of Preussen at the head of thirty thousand men. No opposition was made to his progress. Lehwaldt was in Pomerania; and as all available resources were needed for defending the rest of his dominions, Frederic now dropped Preussen, as he had before dropped the western provinces, out of his system of operations. The few battalions of militia fled on the approach of the enemy, and on the twenty-second of January Fermor made his triumphant entry into Königsberg. The leading magnates were notified that by the law of conquest the dominion of the province was transferred to the empress of the Russias. In harmony with this fiction the cruel policy of plunder and destruction observed by Apraxin the year before was abandoned for one of conciliation; the people were promised the maintenance of their laws and institutions; strict discipline was enforced; and Frederic refused to forgive his subjects of Preussen for the apparent ease with which they accepted the yoke of the invader. He never again set foot in the province.<sup>1</sup>

While Fermor paused for rest after this arduous achievement the fires of war were suddenly lighted in another part of the field; the signal gun from Preussen was answered on the plains of Hanover. During the winter a change again took place in the chief command of the French army. Marshal Richelieu went back to Paris laden with spoils if not with glory;<sup>2</sup> and in his place came, in February, the Count of Clermont, a man in clerical orders, with little or no military talent, but a prince of the house of Bourbon, and a favorite at the court of Versailles. In the hour of his disgrace French satire wrote and French urchins sang in the streets that he preached like a soldier and fought like a priest.<sup>3</sup> But among his many faults too great confidence was evidently not one. His first reports were full of complaints about the bad condition of the army, the inadequate quarters, the deficient supplies, about the hospitals crowded with sick, and the rosters glaring with falsehood;<sup>4</sup> and other ac-

<sup>1</sup> See Preuss, II. 161, 162.

<sup>2</sup> Barbier, VII. 16, 17, gives the amount of debts which he paid from the proceeds of his campaign at 1,110,000 livres.

<sup>3</sup> Il prêche comme un soldat

Et se bat comme un apôtre.

<sup>4</sup> Clermont to Paulmy, 18 February 1758, printed by Stühr, ii. Beilage, pp. 423-426.

counts confirm his description in all its sombre details. In the rival army the interval had been used for reform and preparation, so that by the middle of February Prince Ferdinand had over thirty thousand men, including fifteen squadrons of Prussian cavalry sent by Lehwaldt from Pomerania, ready for service in the field. Prince Henry undertook to make a diversion from the side of Halberstadt. Thus prepared, Ferdinand's plan was to force the enemy out of their positions along the Weser, to give battle if they showed fight, and to drive them if possible across the Rhine. The attempt succeeded perhaps even beyond his own expectation. By a wise strategy, a bold demeanor, prompt movements, and an unflagging energy Ferdinand forced the enemy out of their positions in Brunswick and Hanover; frustrated all their attempts, which were indeed feeble enough, to make a stand; carried one after another the strategic towns where they had left garrisons on their original invasion; and thus steadily rolled back their line toward the Rhine itself, behind which they retired, near Wesel, in the first days of April. The greater part of Soubise's corps was also swept along by the current, and crossed the same river in the vicinity of Düsseldorf. Even East Friesland was evacuated by the French, so great was the panic.

These repeated disasters of France in the field had a momentous and far-reaching effect upon her relations with Russia. It is hard indeed to define these relations during the first part of the Seven Years' War in the terms of modern diplomacy. Though the two powers were nominally enlisted on the same side, they were not allies and scarcely even friends; for after ten years of alienation some constraint of course remained, no direct treaty bound them together, and the Polish question even held them apart. Hence the two courts of Vienna and Versailles looked on the Russian participation with different eyes. The empress-queen welcomed it with an open heart and few reserves; agreed to the cessions of territory demanded in return; and seemed to acquiesce in the policy of Elizabeth at Warsaw. But what Austria welcomed as a positive good France barely tolerated as a necessary evil. Louis himself and his ministers watched the progress of the Russian arms therefore with mixed feelings of delight and doubt: delight, because it weakened Frederic of Prussia, the common foe; doubt, because it increased at the cost of France the influence of Russia in Poland. But French statesmen were not agreed upon the extent to which their attitude toward Russia ought to be affected by their policy at Warsaw. Bernis and Stainville, the chief representatives of the official diplomacy, agreed in making the Russian alliance first in the order of

importance. Count Broglie and those who were admitted to the secret correspondence insisted, on the other hand, that a complete reconciliation with Russia would be suicidal; that a jealous distrust should mark all relations with that court; and that the ancient maxims of French statecraft, which aimed to support Poland and Turkey as barriers against Muscovite ambition, should be maintained in all their integrity. Between these two extremes Louis himself wavered, inclining now toward one side, now toward the other. Before Rossbach he gave some support to Broglie, looked with alarm upon the presence of the Russian army in Poland, and even procured from Brühl and Elizabeth the dismissal of Poniatowski, whose influence over Catherine was held to be full of danger. If the French had won at Rossbach, they would doubtless have assumed a still bolder tone. But the defeat shattered the prestige of their arms, and when Leuthen followed, the need of active aid from Russia became so urgent that the double policy was for a time suspended. By the assent of Louis the lover of Catherine was restored to her arms, a private correspondence was begun between the two monarchs and Count Broglie left Poland in disgust. For a time Louis seemed to acquiesce in the sway of Russian influence at Warsaw; and in spite of occasional attempts afterwards, that of France was never fully regained. On these events certain French writers base a bold yet mournful generalization. It is possible, they suggest, to take the humiliating defeat at Rossbach as the starting-point in that series of blunders and crimes which led to the extinction of Poland, the gradual dismemberment of the Ottoman Empire, and the rise of Russia on the ruins of both.<sup>1</sup> Next in the sad procession came the retreat of Richelieu from the Elbe, and now Clermont had added a fresh disgrace by his wild flight across the Rhine.

At this time, however, the relations of both France and Austria with the court of St. Petersburg were put on a better footing, and Frederic's enemies were filled with new hopes, by the overthrow of Bestushef. The papers of Apraxin revealed, so it was reported, the chancellor's connection with treasonable plots;<sup>2</sup> and on the twenty-fifth of February, 1758, he was placed under arrest in his own house. A special tribunal found him guilty of the charge and recommended the penalty of death, which, however, Elizabeth commuted to a species of exile. He was stripped of all his titles and honors, banished to his estates in the country, and ordered to remain there during the pleasure of the empress. His office was

<sup>1</sup> See, e. g., Broglie, *Secret du Roi*, I. 292.

<sup>2</sup> See Esterhazy's reports printed by Schaefer, II. 544 seq., and that of the English ambassador in Raumer, II. 456.



turned over to the vice-chancellor, Woronzof, a less able and ambitious man, but more agreeable to the courts of Vienna and Versailles.

The fall of Bestuschef was undoubtedly connected with the retreat of Apraxin after the battle of Gross-Jägersdorf, but just where the point of connection lay is still an unsolved problem. It is true that a well-defined theory, which modern historians have generally accepted, makes the marshal's singular movement the result of positive orders from the chancellor,<sup>1</sup> who needed the army for the support of a daring scheme that he had formed. The empress was ill, mortally ill it was supposed. Bestuschef's scheme was to anticipate her death by a *coup d' état*, which should exclude the Grand Duke Peter from the throne, and proclaim the young prince who was Catherine's son, if not her husband's, as emperor, with Catherine herself as regent during his minority. When Peter learned of this plot to rob him of his expected heritage he sought the Austrian ambassador, who advised him to appeal to Elizabeth. The result was the arrest and condemnation of the chancellor; and soon afterwards Catherine herself, seeing that the game was lost, threw herself at the feet of the empress, made a full confession and was restored to favor, while the unlucky Bestuschef went into exile. But the general theory thus outlined had many minor shades or varieties, and is not yet supported by evidence which a historian can regard as conclusive. Masslowski absolutely rejects that very essential part of it which concerns the retreat of Apraxin. The statement generally made at the time and embodied in the reports of the foreign envoys,<sup>2</sup> that Apraxin's papers betrayed the minister, is also perhaps subject to some qualification. The reports of Esterhazy seem to show that the worst documents were found among Bestuschef's own papers after his arrest, not among those of the marshal;<sup>3</sup> and the Saxon secretary of legation at St. Petersburg asserts that he saw the mysterious writings, and that they were revealed by the chancellor himself before his arrest, and that while they suggested a secret and irregular connection with Peter and Catherine, they also showed that he used his influence with them, and their influence with Apraxin, to animate not to paralyze the campaign in Preussen.<sup>4</sup> But Prasse's testimony is that of a man

<sup>1</sup> Esterhazy in his report 25 April 1758, printed by Schaefer, II., i. Beilage, p. 545, is positive on this point. Schaefer gives other extracts from the reports of the Austrian ambassador.

<sup>2</sup> By the English ambassador, for example, 14 March 1758. Raumer, II. 456.

<sup>3</sup> Schaefer, *ubi supra*.

<sup>4</sup> This is confirmed by Bilbassof, *Geschichte Katharinas II.*, German translation by Pezold, I. 415 seq., who brings out the conclusive fact that Elizabeth's sudden illness occurred *after* Apraxin's council of war had advised a retreat and orders had been issued accordingly.

who still believed in Bestuschef, and in his bewilderment he suggests that the whole intrigue was a trap set for him by the French and Austrian ambassadors.<sup>1</sup> This also was a favorite theory in the gossip of the time. But a French writer of weight states positively that L'Hôpital, though instructed often in a sense unfriendly to the grand chancellor, became convinced of his good faith and contributed nothing to his overthrow; and Arneth renders a similar verdict of acquittal for Esterhazy, in which he has the support of Kaunitz himself.<sup>2</sup> What then was the secret of the powerful minister's fall? In view of the contradictory rumors and statements it is perhaps safest to answer that in all probability it was not any single act, or the discovery of any specific treason; it is rather to be sought in the tardy revolt of the empress against the authority of a man who had been guilty of many suspicious measures, who was notoriously corrupt and whose fall the allied courts earnestly desired. She had meditated his dismissal at the time of the treaty of Westminster between Prussia and England. The retreat of Apraxin, of which France and Austria bitterly complained, strengthened her suspicions; and the written evidence of Bestuschef's intrigues with the "young court" completed her aversion, and nerved her to act.<sup>3</sup>

Frederic himself received the news from St. Petersburg with calmness or even indifference. Experience had taught him that the chancellor was a frail reed on which to lean, and he was now more than ever convinced that the sword would have to decide.<sup>4</sup> Notwithstanding the terrible losses of the year, he hoped to begin the next campaign with not less than two hundred thousand men, including sixty thousand garrison troops, part of whom could, however, render some service in the field.<sup>5</sup> The cantonal system of inland levies was enforced with the utmost rigor, and all material which this left untouched was reaped as an aftermath by the provincial militia organizations. Recruiting in the free cities of the Empire and in foreign countries was still kept up, though naturally

<sup>1</sup> Herrmann, *Gesch. Russlands*, V. 216 seq.

<sup>2</sup> Vandal, *Louis XV. et Elisabeth de Russie*, p. 322; Arneth, V. 286. But cf. L'Hôpital to Bernis, 30 November 1757, where the French ambassador reports on the authority of Esterhazy himself very direct and earnest appeals made by him (Esterhazy) to the empress to dismiss Bestuschef. *Recueil des Instructions, Russie*, II. 70.

<sup>3</sup> On Elizabeth's threats and promises respecting Bestuschef see Esterhazy, 20 January 1758, *apud* Arneth, V. 284, 285, and L'Hôpital, 29 January 1758, *apud* Vandal, p. 321 n.

<sup>4</sup> Frederic to Prince Henry, 13 March 1758. To Sir Robert Keith, the new English minister to St. Petersburg, who visited Breslau on his way to his post, Frederic cynically insisted that money was the only effective agent in Russia. *Pol. Cor.*, XVI. 230. Cf. Keith's report 30 March 1758, *apud* Mahon, *Hist. of Eng.*, V., App., p. xxii.

<sup>5</sup> Schaefer, II. i. 62.

with many drawbacks. One Colonel Collignon had charge of this business under a contract with the king; and he in turn employed a set of sub-contractors, whose zeal was sharpened and whose scruples were dulled by the bounty of ten thalers a head paid to them for recruits.<sup>1</sup> For the loss finally of the usual contingents from Preussen and the Rhenish provinces an equivalent was found in Saxony, where the conscription was applied with cruel, not to say vindictive, severity. In meeting the financial problem there was the same mixture of heroic measures with measures that were desperate and unscrupulous. No tax was increased in rate, and no loan contracted.<sup>2</sup> But the screws of economy were sternly applied in every branch of the government; the officials were paid in depreciated paper; and debased coins continued to pour out of the mints. The Saxons suffered even more of course under Frederic's policy than his own people. In addition to the ordinary revenues, which were administered with an iron hand, frequent special contributions were levied on cities or districts of the electorate until the cries of the unhappy victims were heard in every part of Europe. The same policy was early introduced in Mecklenburg, and enforced with the same harshness, though with somewhat less regularity, and on a smaller scale.

Yet the winter at Breslau, though one of hard work and much anxiety, was also not without its brighter features. The great victories of Rossbach and Leuthen formed a source of inspiration under which the king's pen was unusually active, turning out a vast amount and a wide variety of literary productions. A critical reader will wisely omit the diatribes which Frederic aimed at Soubise and Daun, though there are few odder things in history than the spectacle of this grim soldier following with volleys of flippant verse the rivals whom he had just defeated in battle.<sup>3</sup> Not much can be said for the stilted rhymes in which Ferdinand of Brunswick is congratulated on his success against the French.<sup>4</sup> But a much finer note was struck in a long ode to Wilhelmina. Its subject was the firmness and constancy of the princess during her brother's cruel trials; and although it has no place, of course, among the great products of the imagination, its sentiments are noble, and the verse moves

*Frederic as a poet*

<sup>1</sup> This was paid by Collignon out of the fifteen thalers which he received. Retzow, II. 187 n.

<sup>2</sup> Unless indeed the capitalization of the scutage due from the nobility can be called a loan—a device to which recourse was again had, as in the earlier wars. See *Hist. of Prussia*, III. 86, 87.

<sup>3</sup> They are entitled respectively “Aux Écrasseurs” and “Congé de l’armée impériale et du maréchal Daun.”

<sup>4</sup> Ode au Prince F. de Brunsvic sur la retraite des Français en 1758.

with a dignity which at times is not unimpressive.<sup>1</sup> In the intervals of work there was also much social gaiety, and much entertaining of guests. The king's sister Amelia and his two nieces of Schwedt shed their bright presence for a time upon the grim surroundings; D'Argens brought his good sense and good humor to the headquarters; and others came to join the balls and suppers, the concerts and readings, by which the long months were relieved. Indeed, Frederic's letters show that, with many changes of mood, his general inclination throughout the winter was to take a cheerful view of affairs. He often wrote about the coming peace; and a peace with some kind of solid compensation for Prussia was not quite foreign to his thoughts.<sup>2</sup>

*admirable*  
*to England*

Alike for Frederic and for Frederic's enemies, the most important event of this period was, however, the completion of a firmer union between Prussia and England. It was brought about very slowly, with much difficulty, and after not a little cross-play between the two courts. We have seen how his desperate situation in the summer of 1757, the duplicity of the Hanoverian ministers, and the irresolute conduct of England led the king to make, through several channels, secret overtures for peace with France; and in November, after Rossbach, these efforts were resumed. The new agent was a certain Count Mailly, a French officer taken prisoner in the battle. Released on parole by Frederic, he was commissioned to make inquiries at Paris about the disposition to peace with Prussia;<sup>3</sup> but he was met by the flat refusal of Louis to negotiate except in concert with his allies, and Frederic seems to have treated this refusal as final.<sup>4</sup> The various intrigues, of which this was the latest, could not well have been carried on in secrecy, since it was the direct interest of France, at least, to divulge them. Even before the release of Mailly, Frederic had been compelled to calm the suspicions of England. He met them disingenuously indeed by referring Mitchell simply to the unratified agreement with Richelieu about Halberstadt, ignoring the other and more ambitious

<sup>1</sup> *Épître à ma soeur de Baireuth*, 28 December 1757. All of these are in Vol. XII. of the *Oeuvres de Frédéric*.

<sup>2</sup> Evidence of this appears, *e. g.*, in Frederic to Knyphausen, 26 April and 21 May 1758, in both of which the envoy is confidentially instructed to get the sentiments of the English court on the "advantages" to be accorded Prussia at the peace. Cf. R. Koser, in the *Forschungen zur Brand. und Pr. Geschichte*, II. 257. Knyphausen, it should be explained, had lately been sent to London as a special envoy to reinforce without exactly superseding Mitchell.

<sup>3</sup> See Frederic to Prince Henry and Eichel to Finckenstein, 19 November 1757.

<sup>4</sup> See Mailly's report of Louis's answer, 30 January 1758, in *Pol. Cor.*, XVI. 307 n; Frederic to Prince Henry, 25 February 1758. Prince Henry was a sort of go-between in the business, which Frederic probably never regarded as very promising.



schemes which he had set on foot at Paris. But in the same interview he agreed positively to conclude no separate peace, if George II. would make a similar promise.<sup>1</sup> This declaration was, however, not so much an announcement of new conditions, or a sudden outburst of good faith, as a statement of relations brought about by recent military events, by the revived energy of England, by the rupture of the convention of Closter-Zeven and by official assurances of the London cabinet. But since a general peace was impossible, and separate overtures were forbidden, nothing remained except to continue the war. Hitherto England had failed to do her part with vigor; weak statesmanship went hand in hand with bad generalship; and Frederic had borne the brunt of the fight. Now there was at least a man of firmness at the helm, and this suggested the rest. The problem for Frederic was to turn that man in the proper direction, to convince him that America was not the world, to lead him toward a full co-operation in the war on the continent.

The speech from the throne at the opening of parliament, and the earnest words ascribed to Pitt in the reports of the debate on the address, are proof that as to the principle his conversion was now nearly complete.<sup>2</sup> But this was only an initial victory. The details of co-operation for the coming campaign yet remained to adjust, and these proved to be stubborn and difficult. Pitt and his colleagues seemed almost to ignore the overwhelming military problems which confronted Frederick himself in their reiterated demands for Prussian troops to serve in Hanover. But Frederic was almost equally indifferent to the fact that England was at war with France in North America, in the West Indies, in Asia and on the high seas, as well as in Germany; and that instead of concentrating she had to distribute her resources. Technically he was doubtless right in denouncing her failure to send a fleet into the Baltic. But not otherwise; for in the interval since that project was broached, and, as Frederic held, adopted, the progress of the French arms in India and America had changed the situation, and made new demands both upon the army and upon the navy of England.<sup>3</sup> Pitt had

Co-operation  
of Engl.

<sup>1</sup> Mitchell's report, 9 November 1757. *Pol. Cor.*, XVI. 15, 16. Two or three days later Frederic writes to Wilhelmina, "depuis les derniers arrangements que je viens de prendre avec les Anglais, il m'est impossible de faire une paix séparée." *Ibid.*, p. 23.

<sup>2</sup> 1 December 1757. A version of Pitt's speech is given by H. Walpole, *Mem. of Geo. II.*, III. 88-90. Cf. Frederic to Mitchell, 19 December 1757.

<sup>3</sup> This excuse was given to Frederic, and once at least he made in reply the complaint that the real reason must be a reluctance to offend Russia. Mitchell, 9 February 1758. *Pol. Cor.*, XVI. 228, 229. Is there perhaps the germ of a famous saying of Pitt's in the king's remark as reported by Mitchell: "The way to save America is not to suffer the French to become masters of Europe'?"

therefore to redress the errors of his predecessors before he could adopt a positive and aggressive policy of his own. But there is another consideration which weighs in Frederic's favor. He was fighting in self-defence; England for conquest. He aimed only to save the political and territorial integrity of Prussia, and had, originally at least, no further designs. But Pitt had imperial views. He planned the expansion of England, the enlargement of her domains in every part of the world, her supremacy on the ocean; and rejecting the maxims of Walpole for those of William III., he made the defeat and humiliation of France a leading end in itself.<sup>1</sup> From an English point of view this was a defensible and perhaps a wise statesmanship. It may be said too that Frederic's own record gave him no right to expect that moral distinctions would be weighed very nicely in his behalf. But there was a difference between allies, one of whom was fighting for his very life against powerful enemies on every side, while the other was pursuing, or preparing to pursue, grand dreams of conquest; and in the consideration of the rival demands which each made upon the other Frederic is entitled to have it taken into account.

Faults of temper and tact again made the difficulty greater than it intrinsically was. Frederic's tone had too much of the school-master; and if Mitchell had faithfully reproduced it in his conversations with the ministers of the old, rich and powerful monarchy of England, they would have been not less amazed at the presumption of the margrave of Brandenburg than was Louis XV. a score of years before.<sup>2</sup> On purely military affairs Frederic's achievements clearly gave him the right to speak as an expert. Nobody denied that. But in the rank of princes age and pedigree still counted for something, and Frederic was in a situation where pride ought perhaps to have been made subordinate to policy. The English ministers seem for their part to have been sometimes wanting in delicacy, and to have given offense by the tone and manner even of their intended favors. The subsidy negotiations furnish a case in point. Frederic needed money, and England was willing, nay anxious, to furnish it. The amount, 670,000 pounds or 4,000,000 thalers, had been fixed without difficulty; yet the correspondence about the terms and conditions of the final treaty was prolonged over several

<sup>1</sup> Finckenstein reports, Berlin, 4 April 1758, an interview with the English general Yorke, in which the latter gave a very interesting description of Pitt and his relation to affairs. *Pol. Cor.*, XVI. 364 seq. Yorke had been sent out to replace Mitchell, and was on his way to headquarters. But the matter was adjusted, Mitchell remained at his post, and Yorke returned to the Hague.

<sup>2</sup> Frederic suspected that Mitchell was not a faithful reporter, and reprimanded him frequently. Thus, 18 February 1758, "vos relations sont d'un secrétaire du sieur Pitt et non d'un envoyé du Roi."

months. Frederic hated both the word subsidy, and the thing itself. Obviously tact required the English government to treat the subject in a large and liberal manner; to make it easy for the king to suppress his pride; to cover its donation under the decent form of a contribution to the common cause; and not to bargain with the victor of Rossbach and Leuthen as with the petty master of a thousand German hirelings. But this wise, politic and natural discrimination failed. In return for the subsidy England insisted on the reinforcement of Ferdinand by a contingent of Prussian troops, and ignored the repeated demands for a British fleet in the Baltic. In his exasperation Frederic announced that he would not accept subsidies, though he had himself solicited them, from such a usurious power, and indulged himself in very strong language even against Pitt.<sup>1</sup> But he sent a small force to aid Ferdinand in his winter campaign; and this made a good impression in England, as had been intended. English troops were indeed still refused. The impossibility of dispatching a fleet to the Baltic was still maintained. But early in March the reasons for these decisions were set forth with so much frankness and cogency, both at London and at Berlin, and George II. promised such an augmentation of Ferdinand's army through Hanoverians, Hessians, and other German troops, that Frederic withdrew his opposition, and announced his willingness to conclude the treaty.<sup>2</sup> It was signed at London on the eleventh of April.

The preamble of the treaty declared its object to be the expulsion of the enemy from the territories of both parties, the defence of their allies, and the maintenance of the liberties of Germany. Then followed the four articles which formed the body of the instrument. The first contained the promise of the subsidy. By the second the king of Prussia engaged to use the money in supporting and enlarging his army for the benefit of the common cause. In the third the two powers gave mutual stipulations that neither would conclude any armistice, treaty of peace or of neutrality, except in conjunction with the other. The last article fixed the term for the exchange of ratifications. To the treaty itself was added a separate "Declaration" by the king of England, announcing some further pledges on his part. He undertook by means of subsidies to keep the allied army at a strength of fifty thousand, and to add five thousand more as elector of Hanover; to employ this force with the greatest energy in co-operation with the king of

<sup>1</sup> Thus to Mitchell: "I, who have said No to kings, am not to be dictated to by Mr. Pitt." Raumer, II. 447. Cf. *Pol. Cor.*, XVI. 253.

<sup>2</sup> Frederic to Mitchell, 10 March 1758.

*London by  
treaty.*

Prussia; to occupy Embden with a British battalion, and to annoy the French by frequent descents on their coasts. The regret of the English government was expressed that it could not meet Frederic's wishes in the matter of the Baltic fleet; but this decision, so it was explained, was not inspired by consideration for any third power, meaning of course Russia. The friends and foes of one were the friends and foes of both, and England would change her tone at Stockholm and St. Petersburg whenever the king of Prussia should deem it advisable.<sup>1</sup> On the nineteenth of April Pitt laid the treaty before the House of Commons and defended his policy in a long and brilliant speech. It contained a glowing panegyric on the king of Prussia; insisted on the necessity of supporting him in the interests of England herself; announced that the single battalion which had been dispatched to Embden would be followed by others if need should arise; and made the significant declaration that Ferdinand's "army of observation" would, thenceforth, be an army of action.<sup>2</sup> The next day the appropriations called for by this convention, and the subsidy treaties, passed with only two or three dissenting votes.<sup>3</sup>

Before this treaty was signed Frederic had again taken the field, in execution of a plan at once novel and audacious. He stood between two enemies. The Austrians lay in Bohemia, inactive but expectant, while the Russians were pushing southward through Preussen, and across the neutral territory of Poland, toward the New Mark; so that it seemed necessary to attack and, if possible, defeat them separately before they could unite in overwhelming force. The Austrians were chosen for the first blow. But instead of marching directly upon them in their strong positions among the Bohemian mountains, the king decided on a diversion against Olmütz, in Moravia. The capture of this important city would have a great moral effect, would uncover the road to Vienna, and force Daun to leave his unassailable strongholds, in which case Prince Henry might have a chance against Prague from the side of Saxony. All these considerations were revolved in Frederic's mind, and discussed in his correspondence, during the early part of March. On the eleventh of that month he sent Prince Henry a full account of the plan.<sup>4</sup>

<sup>1</sup>Wenck, III. 173-178.

<sup>2</sup>From Knyphausen's report *apud* Schaefer, I. 566-568. The *Parl. Hist.*, XV. 783 seq., contains reports of two speeches, by members not named, which were evidently delivered in the course of this debate, but which are erroneously assigned to the debate of the early Anglo-Prussian treaty of January, 1756.

<sup>3</sup>The total amount as given in the *Annual Register*, 1758, p. 130, is £1,845,630. This measures practically the cost of the war for that year on the continent.

<sup>4</sup>*Pol. Cor.*, XVI. 303 seq. The departure of Soubise for the Rhine, and relief from danger on that side, made the task of the prince simpler. He had over 20,000 men.



The execution of this plan required, first of all, the recapture of the strong fortress of Schweidnitz, the only Silesian post of importance yet in Austrian hands. Frederic, with the bulk of his army near Landshut, covered the siege, which Daun made no attempt to break, but rather, in spite of Loudon's appeals and his own pledges, allowed to take its course; and after a short but brave defence of two weeks, the place surrendered on the sixteenth of April with five thousand prisoners. Then the rest of Frederic's plan unfolded itself. Carefully masking his real purpose, sending troops to reinforce Prince Henry and keeping up a show of movements in Daun's front, the king hastily led the rest of his forces in two columns into upper Silesia, and thence by way of Troppau and Jägerndorf into Moravia itself. On the fifth of May the Prussians halted before Olmütz.

*Surrender of  
Schweidnitz*

Since the year 1742, when this city fell such an easy prey to Schwerin, its defensive strength had been much increased. New walls had been built at great expense, and with the best of engineering skill; the magazines had been enlarged; heavier guns had been mounted; and an ingenious system of sluices in the river March made it easy to flood the approaches to the town from the east.<sup>1</sup> Some nine thousand men were inside the place, with plenty of food and plenty of ammunition. As soon too as the Prussians approached, the general in command, Baron Marschall, made ready for defence by sending away the non-combatants, levelling the suburbs, arming the able-bodied citizens, and organizing all the resources of the city like a prudent and determined soldier. Yet it must have seemed no very difficult task to hold Olmütz until the very latest day when Daun, even using only ordinary diligence, should bring relief. The case was the more urgent too since the news of the invasion had spread consternation even to Vienna. Grave consultations were held, valuables were packed, and the empress-queen was urged to retire to Gratz, which she scornfully refused to do.<sup>2</sup>

*Preparation  
of Austria*

The Fabius Cunctator of the Austrian army was, however, true to his own system of tactics. Long doubting, or professing to doubt, the seriousness of Frederic's design, he moved from Skalitz only on the third of May, and two days later fixed his headquarters at Leitomischl, fifty miles from Olmütz. From here he sent out small bodies of light troops under Loudon and Saint-Ignon to watch and harass the enemy. The latter even crossed the March to Prerau, a convenient point, either for observation or for action, and did excellent service on that side of the river. Two weeks

*Daun, V.  
Frederic  
March 1758*

<sup>1</sup> W. Müller, *Geschichte der Hauptstadt Olmütz*, p. 222; Schaefer, II. 65.

<sup>2</sup> Arneth, V. 361.

later Daun moved to Gewitsch, and Loudon even occupied Konitz, still nearer. But in spite of Loudon's entreaties, the cautious field-marshal refused to give or accept battle, kept in impregnable positions, and allowed the siege to take its course. Frederic himself courted a decisive trial of arms. But he could not give all the odds, and the tactics of his adversary prescribed in effect his own. He found his army, loosely speaking, on the arc of a circle from Littau to Prossnitz, with the convex toward Daun, who could only reach the city from that side, the west, after a successful battle. Then an inner circle, drawn about the city itself, and commanded by Keith, formed the line of investment proper. The first parallel was opened on the twenty-eighth of May, and the siege guns began fire on the walls. For a whole month the bombardment continued. Although the engineers had miscalculated the distance, and many shots fell short, no little damage was done to the city and its defences. The duration and the fury of the cannonade against Olmütz were almost without a precedent.<sup>1</sup> The besieged, for their part, neglected no effort, however difficult and desperate. They worked their guns manfully; now and then a lucky shot exploded a powder magazine, or wrought disaster among the men in the trenches; while frequent sorties undid the work of laborious days, and delayed the progress of the siege. But Keith held to his task with patience and courage. The second parallel was opened on the sixth of June; and three weeks later, the third. The besiegers were now only two hundred yards from the wall. In expectation of an attempt by storm Marschall made preparations for throwing up barricades in the streets, and gave orders that the town should be defended from house to house, to the very last man.<sup>2</sup> But the assault never came. On the sixteenth of June Daun abandoned Gewitsch, and executed a skillful march, in a long circle and by difficult roads, to Predlitz, south of Olmütz; and on the twenty-seventh advanced due north to Prossnitz, on which one of Frederic's wings rested. He was thus in a position for decisive action either against the main Prussian army, or toward the city itself, should the case become urgent. His orders were to save the town at any cost, even the cost of a battle.<sup>3</sup>

The situation of Frederic had now become desperate. He had not foreseen the obstinate resistance of the garrison, and the effect of the bombardment was disappointing. The wily Daun, who refused open battle and shifted his troops through secret defiles from one

<sup>1</sup> According to the G. S., II. 180, the Prussians used 81 siege guns, 19 howitzers, and 16 mortars.

<sup>2</sup> Müller, p. 237.

<sup>3</sup> Arneth, V. 369.

unassailable position to another, was hemming him in ever more narrowly; his ammunition was melting away; and all his supplies had to be brought by long, difficult, and dangerous routes from Silesia. About the twentieth of June an enormous convoy of five thousand wagons, laden with powder, shells, money and provisions, set out from Neisse. It was the last hope of the besiegers. In view of its importance a force of eight thousand men under Colonel Mosel was detailed as escort, and Zieten with reinforcements was sent out to meet it. But the enemy, getting knowledge of the train, planned to attack it in the narrow mountain passes between Hof and Sternberg. The first attempt was made near Guntersdorf by Loudon, who had been sent out from Kaunitz, but it failed in its main object. Soon afterwards Zieten came; and after he had arranged an order of march, the immense convoy, headed and flanked by troops, proceeded slowly forward as far as Domstädt, where on the thirteenth of June Loudon again fell upon it. This time he acted in union with General Siskowich, who had been dispatched from Prerau on the same errand, and a desperate conflict ensued. The Prussians fought with extraordinary courage. Over and over again they charged the enemy, pushing the great train forward whenever a brief opening was gained; and when these tactics became impossible, they formed behind the wagons, and maintained the struggle from these rude breastworks. But the horses became unmanageable, the drivers fled in a panic, and all organization was lost. Three thousand wagons were captured or destroyed. The rear of the train, cut off by Siskowich, returned to Troppau, whither Zieten had to follow. Only a small part of the great transport came safely into Frederic's camp, and this was chiefly money, not precisely the most useful commodity at that juncture.

This was the beginning of the end. On the twenty-ninth of June there was a sharp fight near Prossnitz between two divisions of the rival armies, and the Prussians had the advantage. But it failed to develop into a general engagement. Two days later Frederic learned that the convoy had been broken up, that Zieten had been forced back upon Troppau, and that Daun had crossed to the left bank of the March. On the second of July the marshal was at Gross Tenitz, and in direct communication with the garrison. The Austrian historian says he found the enemy's position at Prossnitz too strong for attack, and hence made a further movement by the right in order to get nearer the besieged town.<sup>1</sup> This describes indeed what he did. In respect to strategy his object was, it is supposed, to avoid an open battle before Olmütz, to force Frederic to

<sup>1</sup> Arneth, V. 370.

raise the siege, and then to cut off his retreat, which was expected to take place by the same route as the invasion. But instead of trying to return by Upper Silesia, Frederic struck boldly across into Bohemia along the very roads which Daun had taken on his way to Olmütz; and on the fourteenth of July, with the loss of only a few mortars, and after slight skirmishes with Loudon, who followed in pursuit, he arrived in the vicinity of Königgrätz.<sup>1</sup> Thus ended an enterprise which is usually reckoned among the capital mistakes of Frederic. With it ended also the system of aggressive tactics to which it belonged. For the rest of the war the only object of Frederic's measures was to keep the enemy from his own doors. Prince Henry had likewise failed in his part of the general plan, the attempt upon Prague, or rather, had hardly made an effort to perform it. Early in May the fifteen thousand Austrians left to cover the city were joined by the army of the Empire, somewhat restored in numbers and discipline, though still in a very imperfect condition, and less formidable in fact than on paper. But its march to the Elbe left open a region in the Upper Palatinate and Franconia, which Prince Henry at once invaded with a considerable force. Hof was captured and Nuremberg threatened; heavy contributions were levied in the bishoprics of Würzburg and Bamberg; the active Mayr repeated his exploits of the previous year; and a widespread panic was caused among the princes allied with Austria. But after these demonstrations Prince Henry returned with his troops in the middle of June to Saxony.

Ferdinand of Brunswick was more successful. With the consent of George II., with whom, or with whose ministers, he now kept up a regular correspondence, he planned a passage of the Rhine, and a fresh movement against the French before they should have time to complete the reorganization of their army. The negotiations with Dutch boatmen, whose services were indispensable in the absence of bridges, caused some delay, and robbed the enterprise of the suddenness which the prince had aimed to give it; but Clermont himself interposed no obstacles, and on the second of June the larger part of the allied army successfully crossed the river near Lobith. With this force Ferdinand at once moved against the enemy, who everywhere fell back as he advanced. Instead of showing a desire to fight, Clermont long refused all challenges, and seemed anxious only to find a safe retreat behind the Meuse, so that the prince had little difficulty in bringing the rest of his forces across

<sup>1</sup> Arnetz, V. 389, denies that Daun was wholly surprised by this turn of things. But on the previous page he himself shows that all the preparations against Frederic's retreat were toward Silesia.



the Rhine by the middle of the month. Then the pursuit continued. But the French ministry of war had now been for some time in the hands of Belleisle, and the result of his energetic efforts to improve the fighting capacity of the army gave him a right to demand of it something better than mere skill in evading the foe. Clermont received orders therefore to hold the lower Rhine at any cost.<sup>1</sup> For the purpose of a stand he chose a position behind the town of Crefeld and the villages to the west, a position of great natural strength, protected by hills, woods, swamps and ravines, as well as by an old line of earthworks formerly erected as a frontier defence. His force reached a total of some forty-five thousand men, while the allies had not much over thirty thousand. But Ferdinand knew his adversary; and as soon as he had examined the ground, he decided, in spite of its obstacles and his own inferior strength, to give battle the following day, the twenty-third of June. He divided his army into three columns, which advanced by as many different routes. The left and centre moved by the easiest roads for feigned attacks, while the real battle was to be given by the right, which Ferdinand commanded in person. The paths which it had to follow were so narrow and so obstructed that at times the troops could only march two abreast; but they worked their way slowly around the enemy's left, and attacked it near the village of Anradt with foot and horse. Clermont hurried up with reinforcements, and for a long time the flower of the French army contended desperately with the mixed levies of the prince of Brunswick. But in the end the generalship of Ferdinand and the good conduct of his troops prevailed; the French sullenly retired; and the day closed with the triumph of the allies. The battle was really won by half the army, acting at first without supports, and on the most difficult part of the field. The prince has therefore been sharply censured by critics of weight for the recklessness of his tactics, though others have called his plan a masterpiece in the art of war.<sup>2</sup>

After the victory Ferdinand made haste to gather its fruits. Düsseldorf and many lesser towns were captured; Wesel was invested; and the allied army advanced as far as the Meuse, where supplies were abundant and the soldiers lived for a time in luxury. A decisive campaign in the Austrian Netherlands, which the prince ardently desired, was indeed impossible without the co-operation of

<sup>1</sup> Stühr, II. 90. But see also p. 91, which shows some confusion or conflict in the instructions. Clermont afterwards pleaded this in his own defense.

<sup>2</sup> Napoleon was one of the unfavorable judges; other opinions for and against are collated by G. S., II. 103. The losses are usually placed at about 4000 for the French and less than half as many for the allies. Ferdinand's own report to England is in Knesebeck, I. 122 seq.

an English force to be landed on the coast of Flanders ; but this bold passage of the Rhine and the brilliant victory at Crefeld made a deep impression throughout all Europe. Pitt and his colleagues now saw with clearer eyes the interest of England in the war on the continent. To the single battalion, which in the treaty with Prussia had been designed to occupy Embden, were now added further installments of both foot and horse until the total reached nearly ten thousand of the choicest troops of the British army. Under the duke of Marlborough they completed their landing in the first half of August, and made ready to co-operate in the further measures of Ferdinand. But these measures were now affected by the hostile movements of the enemy.

HERBERT TUTTLE.

*(To be continued.)*

## MIRABEAU, A VICTIM OF THE LETTRES DE CACHET

THE *lettres de cachet*, one of the most typical institutions of old French society, have been aptly called "the very essence of public life" before the Revolution. Upon them rested the authority of the king and the honor of the family; for the king had no other means of enforcing his will throughout the realm and the family relied upon these arbitrary orders to protect itself against degenerate members. Although it is commonly believed that the employment of *lettres de cachet* was largely confined to affairs of state, yet this is far from the truth. The evidence shows conclusively that out of a thousand cases hardly four or five were of this nature, while the remaining nine hundred and ninety-five or six dealt with matters of police or of family. In all of these latter cases the initiative was taken by the family, the government simply responding to the demands made upon it, demands multitudinous in number, varied in character and not confined to any rank or class.

So necessary did these orders appear to the old society that most of the cahiers of 1789 that had anything to say about them requested their retention in a modified form. So all-pervading was their influence in the life of the ancient régime, that the families wholly untouched by it were but few in number. Outside of Paris more *lettres de cachet* were called into existence by family troubles than by any other cause. In truth, the conservation of family honor may be said to have been the *raison d'être* of these arbitrary orders. For the social state of ancient France rested on the family organization; the family was everything, the individual almost nothing. From this close community of interests, it naturally followed that the dishonor of one member became the dishonor of all. To see that the reputation of the family suffered no harm was the duty of the father, and he exercised an authority hardly surpassed by the Roman of old. The true image of God upon earth, he possessed a power that was practically absolute. For he was the judge of his children, and not simply a crime, but even the fear of a crime, was sufficient to justify the demand for a *lettre de cachet*. Seldom, if ever, were these demands refused.<sup>1</sup>

Such a rôle did the *lettres de cachet* play in family affairs prior to the Revolution. All their uses and abuses seem summed up in the

<sup>1</sup> *Revue des Deux Mondes*, Oct., 1892; "Les Lettres de Cachet."

experience of the famous orator of the National Assembly, the Comte de Mirabeau. His case is as notorious as it is typical. His father, the Marquis de Mirabeau, commonly known as "*L'ami des hommes*," exhausted the patience of long-suffering ministers by reiterated demands for arbitrary orders, while the son, dragged from prison to prison, denounced the *lettres de cachet* in a work read throughout Europe, and immortalized his last imprisonment by his famous *Lettres de Vincennes*. A careful study of the sufferings of Mirabeau while a victim of the *lettres de cachet* is not only indispensable to an understanding of the man's subsequent career, but offers also a definite knowledge of one of the most important and most characteristic institutions of the ancient régime. The material for such a study is fairly abundant. It is found among the documents of the Archives Nationales<sup>1</sup> and in the writings of Peuchet<sup>2</sup>, Montigny,<sup>3</sup> Loménie,<sup>4</sup> Stern,<sup>5</sup> and of Mirabeau himself.<sup>6</sup> But it is especially through the one hundred and thirty odd manuscripts in the archives of the French capital that we are brought into direct contact with this tragedy of old France.

Passing over Mirabeau's first confinement at Rhé in 1768, I turn at once to that period of almost continuous surveillance or imprisonment, beginning with the year 1773 and ending with 1780. During this time he was the victim of many *lettres de cachet* and the inmate of four different prisons of state.

After an unusually eventful youth Mirabeau was married in the summer of 1772 to Mlle. de Marignane, a wealthy heiress of Provence, and took up his residence in the family castle on the Durance. Notwithstanding the affirmations of his latest biographers to the contrary,<sup>7</sup> Mirabeau did not begin his dual existence under favorable financial conditions. Bachelor debts, wedding expenses and the needs of a year were all to be met from the paltry 9000 livres granted to himself and wife in the marriage contract.<sup>8</sup> The marquis was aware of the situation of his son, but refused him all aid.<sup>9</sup> Mirabeau inevitably fell deeper into debt,<sup>10</sup> and this debt was unnecessarily increased by extravagance.<sup>11</sup> Costly presents to his wife,

<sup>1</sup> Arch. Nat., K. 164, Cartons des rois: Louis XVI.

<sup>2</sup> *Mémoires sur Mirabeau et son époque*, 4 vols., Paris, 1824.

<sup>3</sup> *Mémoires de Mirabeau*, 8 vols., Paris, 1834.

<sup>4</sup> *Les Mirabeau*, 5 vols., Paris, 1879-1891.

<sup>5</sup> *Das Leben Mirabeaus*, 2 vols., Berlin, 1889.

<sup>6</sup> *Lettres originales de Mirabeau*, 8 vols. in 4, Paris, 1798.

<sup>7</sup> Stern, I. 75; Loménie, III. 90.

<sup>8</sup> *Mémoires de Mirabeau*, II. 13; *Lettres originales*, II. 130.

<sup>9</sup> Stern, I. 77, note 2.

<sup>10</sup> *Lettres originales*, II. 132.

<sup>11</sup> *Lettres originales*, II. 138; *Mémoires de Mirabeau*, II. 46, note 2.



princely sums lavished on the decoration of her chamber and expensive improvements on the estate, forced him to resort again and again to the Jews, who supplied him with money at exorbitant rates of interest. Shortly after the birth of an heir, in the fall of 1773, Mirabeau's situation became desperate.<sup>1</sup> He made a frank statement of his position to his father-in-law and received the offer of a large sum of money, due at a later date, on condition that his father approve the transaction.<sup>2</sup> This the marquis refused to do and affairs soon reached a climax. Mirabeau had pawned his wife's jewels and even her trousseau, and in his despair was about to appeal to his father to save him from his creditors by placing him under the protection of a *lettre de cachet*.<sup>3</sup> But the marquis had been led to anticipate his son's wish. Friends and foe alike had supplied him with evidence, reliable and otherwise, of Mirabeau's reckless career.<sup>4</sup>

The honor of the family was at stake, and no man valued it more highly than he. For Mirabeau to be arrested by his creditors would be an eternal disgrace. True, the calamity might have been averted by paying his debts, but for the marquis that was the last resort. He was something of a debt-maker himself, and his coffers were never too well supplied with current coin of the realm.<sup>5</sup> It was no uncommon course that the marquis took to escape from the perplexing position in which he found himself. He wrote to the minister La Vrillière, asking for a *lettre de cachet* that would give him time to settle the debts of this "worthy son of his mother," and prevent him from ruining himself and his family.<sup>6</sup> He "deserves to be abandoned to his fate," so runs the letter, "but must be saved for the sake of his family." The request was granted and the form was duly filled out and forwarded to Provence.<sup>7</sup> There it was served upon Mirabeau, who declared in writing his submission and betook himself to the family castle of Mirabeau, there to remain until released by a new order of the king.<sup>8</sup> An "imprisonment" of this kind was apparently a hardship to nobody but the creditors. Mirabeau certainly did not complain and the marquis was satisfied, for the family honor had been saved.

The young man's residence at the castle of Mirabeau came to an end in the following spring. Reports reached the marquis that his worthy scion was cutting wood upon the estate and selling furniture to raise money.<sup>9</sup> It afterwards transpired that the reports were maliciously false,<sup>10</sup> but the father believed the son capable of

<sup>1</sup> *Lettres originales*, II. 132.

<sup>2</sup> *Lettres originales*, II. 132-133.

<sup>3</sup> Arch. Nat., K. 164, No. 2: 3.

<sup>4</sup> Arch. Nat., K. 164, No. 2: 2.

<sup>5</sup> Stern, I., Chap. II.

<sup>6</sup> Arch. Nat., K. 164, No. 2: 4.

<sup>7</sup> Arch. Nat., K. 164, No. 2: 7.

<sup>8</sup> Arch. Nat., K. 164, No. 2: 6.

<sup>9</sup> *Mémoires de Mirabeau*, II. 17.

<sup>10</sup> *Mémoires de Mirabeau*, II. 18.

anything, and without pausing to investigate requested his transfer from the castle of Mirabeau to the neighboring city of Manosque.<sup>1</sup> The minister complied at once with the request, and a fresh *lettre de cachet* revoked the first and relegated Mirabeau to the place of confinement chosen by his father.<sup>2</sup> Again, as in the first case, I find a written statement by Mirabeau that he submitted to the order of the king.<sup>3</sup> By the side of this document is another, written in uncouth characters and scarcely decipherable; it is the affidavit of the mayor and council of Manosque announcing the arrival of the young prisoner.<sup>4</sup>

However resigned Mirabeau might have been to such a mild-mannered despotism, he did not receive without a protest the blow that followed. To prevent the young man from incurring further debts and to secure a fund for the payment of the old debts, the Châtelet de Paris, at the request of the father and other relatives, declared Mirabeau under an interdict, and deprived him of the administration of all his property.<sup>5</sup> Of the 9000 livres of income, 6000 were to be retained for the creditors, and Mirabeau was compelled to support his family on 3000 livres a year. Having protested in vain against the competence of the court he finally yielded, but only out of filial respect.<sup>6</sup> He declared that he submitted everything, even his personal liberty, to his father, whom he recognized as his sole judge.<sup>7</sup> These words in the mouth of a man of twenty-four, and the father of a family, reveal the gulf that separates the present family organization from that of a hundred years ago.

Mirabeau's life at Manosque was far from monotonous. He received the most positive proof of his wife's infidelity,<sup>8</sup> but generously forgave her. Shortly after this episode, having learned that an engagement between her admirer and a Mlle. de Tourettes was likely to shatter, Mirabeau betook himself to the Château de Tourrettes and played successfully the rôle of a mediator. On his homeward way, he unwisely tarried at Grasse, the home of his sister, Madame de Cabris, a beautiful woman, but of somewhat questionable reputation. Here he accidentally fell in with a Monsieur de Villeneuve, a defamer of Madame de Cabris. Words led to blows, and Mirabeau chastised his opponent somewhat severely.<sup>9</sup> Under the ancient régime, noblemen did not usually go to law with an affair of this kind, but Monsieur de Villeneuve laid the matter before the courts, charging Mirabeau with attempted assassination.<sup>10</sup> The

<sup>1</sup> Arch. Nat., K. 164, No. 2 : 9.

<sup>2</sup> Arch. Nat., K. 164, No. 2 : 10.

<sup>3</sup> Arch. Nat., K. 164, No. 2 : 12.

<sup>4</sup> Arch. Nat., K. 164, No. 2 : 13.

<sup>5</sup> *Lettres originales*, II. 143.

<sup>6</sup> *Mémoires de Mirabeau*, II. 22.

<sup>7</sup> *Mémoires de Mirabeau*, II. 27.

<sup>8</sup> Loménie, III. 720.

<sup>9</sup> Arch. Nat., K. 164, No. 2 : 14.

<sup>10</sup> Loménie, III. 135.

charge was, of course, ridiculous and it is generally agreed that the matter might have been easily settled, if the marquis had interfered.<sup>1</sup>

To bring about this desired result, Mirabeau despatched his wife to act as an advocate with his father; she proved a treacherous pleader.<sup>2</sup> The marquis was angry with his son for having left Manosque without leave, and was further incensed by the scandal attendant upon the escapade at Grasse. He determined to anticipate the possible disgrace of an unfavorable decision of the court by procuring a new *lettre de cachet*.

The request was made three days after the arrival of the Comtesse de Mirabeau.<sup>3</sup> In his capacity of first judge of his son, the marquis asked that Mirabeau be transferred to the Château d'If, off the southern coast of France. The ostensible causes of this imprisonment were disobedience to the king's order and the scandal at Grasse.

The 7th of September, 1774, a *lettre de cachet* was expedited to an officer in Provence instructing him to arrest Mirabeau and conduct him to the fortress of If, the expense of arrest and transfer to be paid by the family.<sup>4</sup> In a letter of the same month, the marquis thanked the minister for the celerity with which the affair had been handled, asked that Mirabeau be prohibited from corresponding with anyone but his wife, and promised to send to the commandant at If a specimen of the countess's handwriting.<sup>5</sup> The order had been executed without opposition.<sup>6</sup> Mirabeau had been urged by his friends to fly and might have escaped, but he refused to do so, declaring that he had no desire "to withdraw himself from the authority of his father."<sup>7</sup> The commandant had been prepared for the reception of the prisoner by a letter from the marquis warning him that his son was a "dangerous character."<sup>8</sup> The *lettre de cachet* had done its work, and for two years nothing more is heard of the action begun against Mirabeau by Villeneuve.

The residence at If lasted seven months and the "victim of the *lettres de cachet*" was so successful in winning the good will of the commandant that the marquis received only the most flattering reports concerning his son, and was even urged to release him.<sup>9</sup> But from unofficial sources the father had learned that the conduct of Mirabeau in the fortress had not been beyond reproach.<sup>10</sup> Common

<sup>1</sup> *Mémoires de Mirabeau*, II. 35-36.

<sup>2</sup> Loménie, III. 139.

<sup>3</sup> Stern, I. 83: Arch. Nat., K. 164, No. 2: 15.

<sup>4</sup> Arch. Nat., K. 164, No. 2: 18, 19, 21.

<sup>5</sup> Arch. Nat., K. 164, No. 2: 17.

<sup>6</sup> *Lettres originales*, II. 167; Arch. Nat., K. 164, No. 2: 21.

<sup>7</sup> *Lettres originales*, II. 167.

<sup>8</sup> Arch. Nat., K. 164, No. 2: 20.

<sup>9</sup> *Mémoires de Mirabeau*, II. 44.

<sup>10</sup> *Mémoires de Mirabeau*, II. 46.

report coupled his name with that of the wife of the sutler, and the sutler himself did not hesitate to charge Mirabeau with robbery.<sup>1</sup> Letters of the commandant and the later confession of the sutler prove conclusively that this charge was false,<sup>2</sup> but it was, as usual, true for the marquis. He decided to appeal to the minister to transfer his son to a more isolated fortress than that of If, as he wished to test him still further before giving him his liberty.<sup>3</sup> The reasons given for the transfer were that "If was unhealthy and that disagreeable things happened there." If Mirabeau stood successfully the trial of his new imprisonment, his father intended to submit him to additional tests.<sup>4</sup>

There had been no new cause for a prolongation of Mirabeau's confinement, and it is not strange that his patience began to fail. The commandant, D'Allegre, a man of excellent reputation, had asked for the young man's release. This, in the eyes of the marquis, was sufficient proof that the guileless official had been "seduced, corrupted and deceived" by the crafty Mirabeau.<sup>5</sup> In a *mémoire* written in Vincennes and addressed to his father, Mirabeau gives a most truthful characterization of the marquis's state of mind: "You consider," wrote the son, "that all who do not find me so bad as you think me, have been won over by me. He will seduce you: that is your formula, but are not these three words equivalent to saying, Take care; if you are not prejudiced, you will not find him so great a rascal as I make him out to be? I do not comprehend," Mirabeau went on, "how you can expect that I should be the only man in the whole world whose character is not a mixture of good and evil."<sup>6</sup> Perhaps the attitude of the father toward the son, and the injustice of the system that had placed such absolute power in a father's hands, are best shown by a letter written two years later by the marquis to his brother. "I do not reproach myself," he wrote "on account of the transfer from Château d'If to the Château de Joux . . . had he remained at the Château d'If with the attestations of that idiot, D'Allegre, he would be there still crying out against injustice; he would not have destroyed himself as he has done, which is the salvation of his family."<sup>7</sup>

Even the *bailli*, who almost worshipped his brother, warned him that the public considered him "a little hard toward his own; that the son was guilty only of contracting debts . . . and that if all the young people in debt were shut up, one would see only gray beards on the streets."<sup>8</sup> But all warnings were in vain; the gov-

<sup>1</sup> *Lettres originales*, II. 168.

<sup>2</sup> Peuchet, I. 127.

<sup>3</sup> Arch. Nat., K. 164, No. 2: 25.

<sup>4</sup> *Mémoires de Mirabeau*, II. 49.

<sup>5</sup> *Lettres originales*, II. 170.

<sup>6</sup> *Lettres originales*, II. 170.

<sup>7</sup> *Mémoires de Mirabeau*, II. 61.

<sup>8</sup> *Mémoires de Mirabeau*, II. 53.

ernment machinery worked once more at the father's request and Mirabeau found himself banished among the snows and bears of Mount Jura. In the *mémoire* already mentioned, he describes his transfer: "I peaceably followed my conductor, who had no escort. I carried pistols; he had none. You know what account he gave of my conduct, and you see that I was resolved to try once more to touch you by my resignation."<sup>1</sup>

Mirabeau's new place of confinement was the fortress of Joux, near Pontarlier, on the eastern frontier of France. He was allowed a large amount of liberty, passing his days in the city and his nights in the fortress. As time went on, he enjoyed still greater freedom, roving about the country on tours of investigation, even penetrating into Switzerland. A warm friendship had sprung up between him and the royal advocate at Pontarlier, M. Michaud, and they were often companions on the journeys referred to.

During his residence at Manosque, Mirabeau had written his *Essai sur le Despotisme*. It was now printed at Neuchâtel and many copies were smuggled into France. This act was a violation of the law, but although it was known both to the commandant of the fortress and to the king's advocate, they raised not a finger to punish the offender. But if the commandant, St. Mauris, tacitly allowed the violation of the censorship, there were other acts to which he did not shut his eyes so readily.

Mirabeau had continued his old practice of contracting debts. His course was not without excuse, for his income had been reduced to 100 livres a month, and this could not possibly meet all his legitimate expenses.<sup>2</sup> A note given by Mirabeau for 1500 livres fell into the hands of St. Mauris. It is true that the note was not due for several weeks and that Mirabeau had been promised 1500 livres for work that would soon be ready,<sup>3</sup> but the note was dated Neuchâtel and in itself was a proof that St. Mauris had not watched his prisoner carefully. Furthermore, Mirabeau's relations with Madame de Monnier had created a scandal in Pontarlier, and, last of all, the government had sent instructions to search for the author of the *Essai sur le Despotisme*.<sup>4</sup> The commandant believed that his confidence had been abused and determined to confine his prisoner more closely within the castle. A stormy scene occurred between the two, and shortly after Mirabeau disappeared.<sup>5</sup>

He was weary of prisons and unwilling to submit longer to the despotism of paternal government. In a letter to his uncle—his

<sup>1</sup> *Lettres originales*, II. 180.

<sup>3</sup> *Lettres originales*, II. 193.

<sup>2</sup> *Lettres originales*, II. 192.

<sup>4</sup> Loménie, III. 170.

<sup>5</sup> *Lettres originales*, II. 101. Arch. Nat., K. 164, No. 2:26.



father had declined to hear from him—he asserted that “liberty is a natural right” and asked “why should I be deprived of it?” He began to feel the spirit of the approaching revolution stirring within him, and declared that the times were changing and a man was permitted to be ambitious.<sup>1</sup> He had done well to take the matter into his own hands, for his father had no intention of putting an end to this long-drawn-out confinement. The marquis had taken no steps to settle Mirabeau’s debts, continued to write letters to St. Mauris warning him against his son<sup>2</sup> and, in a letter to the *bailli*, outlined his future policy.<sup>3</sup> “As to his liberty,” he wrote, “if the king releases him, his creditors will hold him in a less commodious manner.” Mirabeau, if released, might go to Paris to aid his mother in a law suit against her husband and the marquis candidly acknowledged, “it is to my interest to keep him in prison, for fear that he will come here to second his mother.”<sup>4</sup>

Upon the evening of his evasion, Mirabeau had written to the minister of war, St. Germain, appealing to him for protection against his father. He appealed to him as a Frenchman and a subject of the king. Although he had suffered long, he had suffered patiently, for it was repugnant to him to struggle against his father, whose great reputation frightened him. He had, moreover, hoped for an improvement in his lot, but at the moment when he saw it cruelly aggravated, he withdrew himself from persecution.<sup>5</sup>

Paternal despotism had induced first the mental revolt uttered in the *Essai sur le Despotisme* and later the evasion itself and the appeal to justice. The escape of Mirabeau was announced by St. Mauris, January 21, 1776. His letter to the minister closed with the following pathetic request: “Do me the kindness, Monsieur, not to send me any more prisoners, for by my faith, I cannot accustom myself to being a jailor.”<sup>6</sup> Until the latter part of February, Mirabeau remained in concealment at Pontarlier, some of the time in the house of the royal advocate himself, and succeeded in frustrating the efforts of St. Mauris to seize him.<sup>7</sup> Meanwhile the Marquise de Mirabeau at Paris was storming the ministers with letters and *mémoires*, and playing in a somewhat exaggerated manner the rôle of the unfortunate mother.<sup>8</sup>

This revolt from parental authority came at a time when the government was most likely to entertain it. The administration of the *lettres de cachet* was in the hands of the noble Malesherbes, and efforts were being made to reform it. A commission had been es-

<sup>1</sup> *Mémoires de Mirabeau*, II. 55.

<sup>2</sup> Loménie, III. 163.

<sup>3</sup> Loménie, III. 163.

<sup>4</sup> *Mémoires de Mirabeau*, II. 59.

<sup>5</sup> *Mémoires de Mirabeau*, II. 94.

<sup>6</sup> Arch. Nat., K. 164, No. 2: 26.

<sup>7</sup> Arch. Nat., K. 164, No. 2: 47.

<sup>8</sup> Arch. Nat., K. 164, No. 2: 28, 29, 30.

tablished for the examination of all cases, and it was upon its recommendation that action was taken. But the *mémoire* sent to Paris by Mirabeau was placed by Malesherbes in the hands of one of his colleagues, the Duc de Nivernois, an intimate friend of the marquis.

The duke returned the *mémoire* with the comment that it was "well and maliciously made." He joined to his reply a sketch of Mirabeau's career from the pen of the marquis, saying that "it could be counted upon." "He wished that he could say as much for the other."<sup>1</sup> It has been the practice of late years to follow the lead of the Duc de Nivernois and to discredit all evidence emanating from Mirabeau, but after carefully studying the records I am convinced that his statements are, on the whole, fully as reliable as those of his father. However well-meaning the Duc de Nivernois may have been, he was acting in the interest of friendship and not of justice.

His letter is one of the most significant documents connected with this most significant affair. Mirabeau, under arrest, confronted by no witnesses and unable to obtain a statement of the charges against him, was the victim of his father's reputation, and of his father's powerful friends. But he was not entirely abandoned. Michaud, the royal advocate at Pontarlier, attempted to reconcile father and son.<sup>2</sup> It was labor lost. The marquis declared that he washed his hands of his son, but he gave him the parting advice to leave the country, promising to send his pension when he knew where he was.<sup>3</sup>

Meanwhile the government had taken steps to secure Mirabeau, who had been obliged to leave Pontarlier and had gone to Dijon. There he was discovered and arrested.<sup>4</sup> But the *grand prévôt*, Montherot, was so captivated by his prisoner that he allowed him to remain some time under surveillance in hired lodgings. Mirabeau wrote at once to his mother urging her to plead with the ministers for his release, and wrote himself to Malesherbes and St. Germain.<sup>5</sup> Malesherbes examined the affair carefully, corresponding with the marquis, marquise, St. Mauris and Montherot, and declared, finally, that no action could be taken until the fugitive returned to the prison from which he had escaped.<sup>6</sup>

The idea of returning to Pontarlier was intolerable to Mirabeau, and he not only protested vigorously against it himself,<sup>7</sup> but enlisted all the eloquence of Montherot.<sup>8</sup> The forces against him were,

<sup>1</sup> Arch. Nat., K. 164, No. 2 : 31.

<sup>3</sup> Arch. Nat., K. 164, No. 2 : 34.

<sup>2</sup> Arch. Nat., K. 164, No. 2 : 34, 35.

<sup>4</sup> Arch. Nat., K. 164, No. 2 : 36.

<sup>5</sup> Arch. Nat., K. 164, No. 2 : 52, 36, 53, 54.

<sup>6</sup> Arch. Nat., K. 164, No. 2 : 37, 43, 44, 45, 46, 50, 55, 60; Loménie, III. 240.

<sup>7</sup> Loménie, III. 241; Arch. Nat., K. 164, No. 2 : 72.

<sup>8</sup> Arch. Nat., K. 164, No. 2 : 53, 55, 56, 58, 59, 63.

however, overwhelming, for his father had returned to the attack. At the time of Mirabeau's flight, the marquis evidently intended to leave him to his fate, but influenced by his brother and other relatives, he again changed his attitude and became once more the persecutor and prosecutor of the son.

The 6th of March, 1776, a *lettre de cachet* was sent to Montherot,<sup>1</sup> instructing him to transfer Mirabeau to the fortress of Joux. The *prévôt* did not execute the command, but remonstrated with Malesherbes,<sup>2</sup> and, finally, secured the withdrawal of the order, and the substitution of another confining Mirabeau in the Château of Dijon.<sup>3</sup> Having added the commandant of this fortress to the list of his admirers, Mirabeau would have had little to complain of had his father regularly remitted his pension. Small as the sum was, it had not been paid for some time. But Mirabeau was weary of prisons and paternal rule, and demanded of the government why he should remain longer in confinement.<sup>4</sup>

In spite of his appeal, no reply was made. The government, however, had the matter under careful consideration. All the letters and *mémoires* from father and son were laid before the commission on the *lettres de cachet*, and one of the most interesting documents that I encountered in the Archives Nationales was their summing up of the case.<sup>5</sup> Certainly the men upon whom the Marquis de Mirabeau could bring so much pressure to bear were likely to do him full justice, and yet I know of no more severe commentary upon his treatment of his son than this same report.

After stating carefully the evidence on both sides, the commissioners concluded that there were but two reasons why Mirabeau's imprisonment should be prolonged, namely, punishment for the evasion from Joux and time for settlement with his creditors. All the other charges were set aside, and it was added that an injustice would be done if the imprisonment exceeded six months. But the work of the commission came to naught. A change of ministers restored the old abuses and Mirabeau found himself once more at the mercy of his father. Entirely disregarding the decision of the commission, the marquis took steps to secure the indefinite confinement of his son. Mirabeau was to be placed at Doullens in Picardie under a commandant notorious for his severity. The correspondence that took place between the marquis and the commandant proves conclusively that the young man was to be treated as a dangerous criminal.<sup>6</sup>

<sup>1</sup> Arch. Nat., K. 164, No. 2: 60.    <sup>4</sup> Arch. Nat., K. 164, No. 2: 97.

<sup>2</sup> Arch. Nat., K. 164, No. 2: 67.    <sup>5</sup> Arch. Nat., K. 164, No. 2: 96.

<sup>3</sup> Arch. Nat., K. 164, No. 2: 69.    <sup>6</sup> Arch. Nat., K. 164, No. 2: 106, 107, 109, 110.

Mirabeau, his mother and his friends exerted all their influence to prevent the issue of an order transferring him to Doullens, but in vain. The 30th of April the letter was filled out.<sup>1</sup> The execution of it was delayed on account of Mirabeau's poor health,<sup>2</sup> but seeing the impossibility of winning his cause before the government, and unwilling to place himself again in the hands of his father, Mirabeau fled. For several weeks he wandered about, hiding from the police officers in the pay of the marquis, and in August, 1776, accompanied by Madame de Monnier, he made his escape to Holland. Once out of the country the pursuit was abandoned. So long as there was no pension to pay, and no danger that Mirabeau would assist his mother, it mattered little to the marquis what became of him.

Living under an assumed name, Mirabeau passed several months undisturbed by his father. During this time he had given offense to the marquis by anonymously attacking him in newspapers and in *mémoires*, written to aid his mother in her law suit, and when Mirabeau's hiding place became known his father was naturally desirous of placing him once more behind the prison bars. By uniting with the relatives of Madame de Monnier, who wished to secure possession of her, the marquis succeeded in lessening the expense of the undertaking, and in due time a police officer in the employ of the two parties was on his way to Holland.

All difficulties of extradition were overcome,<sup>3</sup> the last *lettre de cachet*<sup>4</sup> issued and Mirabeau soon found himself confined within a narrow, dimly lighted cell of the donjon of Vincennes. His room was high up in one of the towers, and through the narrow, deep, iron-barred windows nothing but a bit of sky was visible. With my mind full of his sufferings as he describes them in his letters, I realized, as I stood within that small, cold and dimly lighted room, the absolute misery and wretchedness, for a man like Mirabeau, of three years of confinement in a place like that.

But to grasp fully the pitilessness of the father, I would have you listen to the words with which he announced the imprisonment of his son. He was writing to his brother: "I received word yesterday that the rascal has been seized and is in irons . . . . I would have liked, had it been possible, to have sent him to the Dutch colonies, for nobody returns from there . . . . As to his imprisonment, my plan is definitely made. Nobody but myself and

<sup>1</sup> Arch. Nat., K. 164, No. 2: 97, 98, 99, 104, 111.

<sup>2</sup> Arch. Nat., K. 164, No. 2: 111, 112, 116.

<sup>3</sup> Arch. Nat., K. 164, No. 2: 135.

<sup>4</sup> Arch. Nat., K. 164, No. 2: 136.

the government shall know where he is, and, at my death, a sealed letter shall inform my successor of the locality."<sup>1</sup> Surely the Roman father in the most unrestrained exercise of his power was hardly more inhuman than that.

It does not fall within the limits of this paper to follow Mirabeau through the years of his imprisonment. The *lettre de cachet* that placed him in Vincennes was practically the last from which he suffered, and closed the long series. As a fruit of his bitter experience he wrote within the walls of the donjon his work on *Lettres de Cachet et des Prisons d'État*, a companion piece to his *Essai sur le Despotisme*. From this prison, after more than three years of physical and mental torture, he went forth at last a bitter opponent of absolutism, to make war upon all arbitrary forms of government. And when, as the master spirit of the National Assembly, he appears tireless in his efforts to throw every safeguard around individual liberty and to place every possible check upon absolutism, there rises involuntarily before the mind's eye visions of If, Joux and Vincennes, and of his long years of suffering while a "victim of the *lettres de cachet*."

FRED MORROW FLING.

<sup>1</sup> *Mémoires de Mirabeau*, II. 178, 181.



## THE PROPRIETARY PROVINCE AS A FORM OF COLONIAL GOVERNMENT

### II.

HAD governmental powers not accompanied the territorial grants which have already been described, those grants would have lain wholly within the domain of private law. They would have been estates of land, unusually large, no doubt, but nothing more. In cases where the governmental rights of proprietors were suspended<sup>1</sup> or resigned into the hands of the crown, they remained thereafter only private landlords. But the fact that rights of government were bestowed with the land gives to the regulations concerning the latter a significance in constitutional history. The proprietor was made thereby the political head of his province. In fact, the territory became a province by virtue of the rights and institutions of government existing in and connected therewith. The existence and exercise of these rights made the income from the land of the province public revenue. When that revenue was expended it was a public expenditure. The bestowment of grants of land by the proprietor not only carried with it the obligation to pay quit-rent, but to take to him the oath of fidelity. Had it been possible for a territorial nobility to develop in the American provinces its creation would have shown here, as in Europe, how the granting of land could have been utilized as a means of strengthening the government and checking the growth of democracy.

In the discussion of the corporation as a form of colonial government it was necessary to dwell first and chiefly on the legislature. The general court was the central feature of that organism, for in that the freemen, who were the grantees of power, found their embodiment. But with the proprietary province the case is different. The king established that by delegating to the proprietor the right to exercise certain functions of the prerogative within the province. It is true that the proprietary charters contained more hints concerning the form of government which should obtain in the province

<sup>1</sup> The governmental rights of Baltimore were suspended in 1690 and so remained till 1715. Those of Penn were in suspension during the years 1693 and 1694. The New Jersey proprietors seem never to have been in undisputed possession of rights of government. After such rights as they claimed were in 1702 surrendered to the crown they remained formally as well as really private landlords.

than did the charters of corporations, but they were only hints. The existence of an assembly, and hence the enjoyment of political rights by the colonists, was not in any of the charters guaranteed in specific and mandatory terms; in one, that of New York, it was not mentioned. The powers which were definitely bestowed were executive in character, the ordinance power, the power to appoint all officers, to establish courts, to punish and pardon, to organize a military force and defend the province, to bestow titles of honor, to found churches and present to livings. These made the proprietor the executive of the province and for the most part left it to him to determine how and in what forms the governmental powers which he had received should be exercised. That he did this alone, without advice, or apart from the social and political conditions of the problem, is not claimed. That in none of the provinces, save New York, was there or could there have been much delay in calling an assembly, is true. But in all cases the assembly was called by the proprietor, and without such action of his it could not legally meet. What control he had over its organization and work, when once in existence, will appear in the sequel. The fact here insisted upon is that the bestowment of power upon an individual instead of a corporation assembled in general court, and its transmission through him to the colonists, made the executive, instead of the legislature, the centre from and around which development in the province chiefly occurred. It gave to the proprietor an importance, especially at the outset, which was analogous to that enjoyed by the general court in the corporate colony. It made him in a derived and inferior sense the source, within the province, of office and honor, the fountain of justice, the commander of the military, the recipient of the provincial revenue, the constituent part of the legislature. These were the *jura regalia* of the proprietor, which made his position that of a count palatine. They were in kind the powers of the English monarch, and, when used according to the precedents of the county palatine, made the province monarchical in form.

Of the proprietary provinces which obtained permanent form and development, Maryland was founded prior to the Restoration, while all the rest were established subsequent to that event. The Calverts and the Duke of York were the only proprietors who did not issue elaborate concessions as to government. As we have seen, they all published the terms on which they would grant land; the Carolina and New Jersey proprietors and Penn made similar announcement of the conditions under which government should be administered. With one exception,—the Fundamental Constitutions

of Shaftesbury and Locke,—these documents have a decidedly modern form and purport. They were apparently issued for the purpose of attracting settlers, and may have contained features which were suggested by those who expected to live as colonists under them. They approach as near formal compacts as is possible in the case of documents within the domain of public law. One cannot imagine a medieval count palatine issuing to his vassals such grants as these. In them the organs of the government which it was proposed to establish, and their powers, were described, in some cases very minutely, while provisions for amendment were included. They were in fact *octroi* constitutions, and were issued as an expression of the will of the proprietor, but also with a view to the interests and demands of those who, under new and strange conditions, were to inhabit the provinces. In these constitutions then we note the first significant innovation in matters of government which occurred when the palatinates were reproduced in the American colonies. The Calverts and the Duke of York by refraining from their issue kept more strictly in the line of precedent, and on that account, for a time at least, they were able better to control the dispensing and the exercise of political power. They conceded less at the outset than did the proprietors of Carolina, New Jersey and Pennsylvania.

As the proprietors themselves were the most important agents in these initial transactions, their views and habits must be taken into account in judging the events themselves. A study of the documents reveals the fact that the affairs, particularly of Maryland and New York, were guided by men whose minds were trained in the law and traditions of English administration. The proprietors of these provinces were men of this class. Hence with them there was an adherence to legal forms, a steadiness and precision in the conduct of business, which the records of the other proprietary provinces do not reveal. The Baltimore family, while in control, seems to have devoted its attention more carefully and continuously to the administration of its province than did any of the other proprietary grantees. The attention of the leading Carolina proprietors was diverted from their colonial interests by cares of state, while, especially after the death of Shaftesbury, the fact that there were eight of them instead of one detracted greatly from their efficiency. But they had no ideals which were inconsistent with the traditional monarchical system as reproduced in the province. The same cannot be said of Penn and of the members of the proprietary boards of East and West Jersey. Penn was not a lawyer, neither was he a specially able administrator. The proprietors of

the Jerseys, particularly of West Jersey, became very numerous, and many of them settled in their provinces. There, as in Pennsylvania, Quakerism and various other forms of religious dissent entered as elements which strengthened democratic tendencies among the people. Dissenters were also numerous in the Carolinas, and at one time Puritans made considerable trouble for Baltimore. But in Pennsylvania the first proprietor was himself a Quaker; the entire board of West Jersey was of that persuasion, while the sect was strongly represented among the grantees of East Jersey. The social position, the training, the spirit, the religious beliefs of the Quaker did not conspicuously fit him for maintaining the traditional forms of provincial government. When he became a proprietor there was likelihood that the provincial system would be modified at its very source; that institutions would be thrown, as it were, into solution, and seem more ready than elsewhere to assume the democratic form. In the Quaker provinces proprietors and people more nearly agreed in their ideals than they did elsewhere. Penn, to his cost, relied more on personal influence than he did on institutions as a means of retaining control over his province. In the Jerseys, moreover, the difficulties of maintaining the proprietary system were vastly increased by the number of proprietors and by the doubt which hung over their claim to governmental power. Their history shows how it was possible by weakening and obscuring the executive to change this form of government into that of the commonwealth. Thus it appears that in the domain of government the proprietary provinces had each its individuality, and that this was in part due to the character and position of the proprietor. It is believed that Maryland approaches the nearest of all to the model, and so its history may chiefly be relied upon to illustrate the features of the system.

The effective exercise of governmental power by the proprietor began with the appointment of the governor. It was mainly through this official that the powers of the proprietor were exercised in the province. He was the proprietor's commissioner, or, to use a term of private law, his agent, for all purposes of government. Power was transmitted to him by a commission, and he was guided in the use of it by instructions. Instructions might be given him at the time of his appointment, or also at any later period. The letters written by the proprietor to his governor were of the nature, though not in the form, of instructions. The governor in return was expected to report his doings to his superior and keep him informed concerning affairs in the province. The governor, like all other officials, held office at the proprietor's pleasure, and was in no re-

spect legally independent of him. There was no department or phase of his activity wherein he was not legally subject to the control of the proprietor, though at the same time it is true that such control was often loosely exercised. In order then to the existence of proprietary government it was not necessary that the proprietor should reside in the province. Wherever the governor was, there was the proprietor. The governor brought the proprietor into the province, for every public act of the governor, if legally performed, was done in the name and by the authority of his superior. Anything which the proprietor could lawfully do he could require his governor to do, and at the outset the proprietor was limited only by the very general, though in the sphere of private rights, the comprehensive, terms of his charter. In the provincial system then provision was made for instructions before it was made for legislation, and it was only through instructions that legislation could legally begin and be continued. Instructions were as normal and regular a part of the system as was law-making. Not only were they sent to the governor, but, when necessary, to all other officials appointed by the proprietor. Any official in the province might send them to his subordinate.<sup>1</sup>

That this is a true account of the legal relations existing between the governor and the proprietor might be proved by citations at great length from the records of all the provinces. The first governors of Maryland and Pennsylvania were appointed before any of the colonists left England,<sup>2</sup> and Lord Baltimore then gave to his appointee full instructions concerning the voyage and the making of the first settlement. We know that in 1664<sup>3</sup> a commission and instructions were sent to William Drummond, the first governor of Albemarle County, in Carolina, though the documents have been lost. The commission of Sir John Yeamans, the first governor of Clarendon county, is extant.<sup>4</sup> It is accompanied by instructions concerning the granting of land, in which it is specified that the powers should be exercised in the name of the proprietor and according to conditions and instructions proceeding from him. The instructions sent to the governors of the proprietary provinces are not so voluminous as those sent by the crown to its governors; they are also less comprehensive and much less exact in form. The usage of no two provinces was the same and in the same province it varied from time to time. The instructions issued by the Carolina proprietors were usually brief, but those sent in 1691 to Philip

<sup>1</sup> *Md. Arch.*, Council, 1636 to 1667, pp. 141, 149, 161.

<sup>2</sup> *Calvert Papers*, I. 131. Hazard, *Annals of Pennsylvania*, 503.

<sup>3</sup> *N. C. Recs.*, I. 93.

<sup>4</sup> *Ibid.*, 97, 95.



Ludwell<sup>1</sup> were so full as to remind one of those emanating from the crown. Section 41 of these ran as follows: "In all other matters not limited or provided for by these our Instructions you our s<sup>d</sup> Governor are by and with the consent of any three or more of our Deputys to make such Orders from time to time for the peace and safety of the Government there as to you shall seem necessary and wee ourselves have power to do by virtue of our Charter from the Crown, w<sup>ch</sup> orders you are forthwith to transmit to us with yo<sup>r</sup> reasons for the making of them, w<sup>ch</sup> orders are to be in force untill wee shall under the hand and seale of the Palatine and three more of the Lords Prop<sup>rs</sup> otherwise direct and no longer." The rule, of general application, that instructions once issued should bind all succeeding governors till revoked, was stated in the next clause: "These Instructions shall be the Rules for proceedings for any succeeding Governor as well as yorsel and be put in Execution by him until wee shall otherwayse direct." In the early history of their province the Calverts do not seem to have issued instructions so regularly as did the Carolina proprietors, or, at least, if they did so, the documents have not been preserved. But as members of the proprietor's family often acted as governors, it may be believed that directions were given by letter when elsewhere they would assume formal shape. But examples of early instructions in Maryland history have been preserved,<sup>2</sup> and after 1660 the number which appear in the records increases. Though in Maryland as in other proprietary provinces, more attention was paid in the instructions to territorial than to governmental affairs, there was no sphere of government which they did not or might not touch. They dealt in particular with the calling of assemblies and with the right of both governor and proprietor to assent to laws. The history of this feature of Pennsylvania government reveals nothing essentially different from what existed in the other provinces.<sup>3</sup>

So far as Maryland is concerned, reference to the official oath will furnish additional evidence that the relation between the proprietor and the governor was such as has been indicated. The oath taken in 1648<sup>4</sup> bound the appointee to defend and maintain the jurisdiction and seigniorship of the proprietor to the utmost of his power, and never to "accept of nor execute any Place, Office or Employment within the said Province Concerning or relating to the

<sup>1</sup> *N. C. Recs.*, I. 373.

<sup>2</sup> *Md. Archives*, Council, 1636 to 1667, pp. 51, 99, 135, 139, 324, 329, 335, 385; Assembly, 1637 to 1664, p. 321; Council, 1667 to 1688, pp. 54, 63, 94.

<sup>3</sup> See Shepherd, *History of Proprietary Government in Pennsylvania*, Columbia University Studies, VI. 474, *et seq.*

<sup>4</sup> *Archives*, Council, 1636 to 1667, p. 209.

Government of the said Prov<sup>e</sup> from any Person or Authority but by from or under a lawful Authority derived or to be derived from time to time under the hand and seal at arms of his said Lordship or his heirs and assigns." The oath of 1669<sup>1</sup> was drawn in the same terms. The commissions issued by the Carolina proprietors and by those of New Jersey required official oaths, but the forms used are not now accessible. It is possible also that they were not regularly administered, especially during the periods of confusion through which those provinces passed. The accessible documents relating to Pennsylvania also furnish no example of the official oath or affirmation of a governor.

The position of the governor will be made still clearer, if we note the powers which were conferred upon him. These are more fully expressed in Maryland documents than elsewhere. In the first extant commission of Leonard Calvert, that of April 15, 1637, we find them stated at length.<sup>2</sup> The military element in the office was placed first. The governor was made lieutenant-general. This is the title by which in early times he was most often designated in the official documents both of Maryland and Carolina. He was also admiral, and by virtue of these powers was organizer and commander of the forces of the province both by land and sea for purposes of defense. Among the civil powers of the governor, that of chancellor ranked first. By virtue of this he was keeper of the seal and issued all grants both of land and office, licenses, writs of election, judicial writs, proclamations. As chancellor also he was provincial judge in equity, and in this capacity sat with the council. The appointing power was closely connected with the office of chancellor. The governor was also chief justice and chief magistrate. The first of these titles shows that he was the common-law judge in the province, exercising the combined powers of the King's Bench, Common Pleas and Exchequer. He was expressly empowered to hear, pronounce judgment, and award execution upon all causes criminal and civil, and to do it as authoritatively as if the proprietor were present. When life, member or freehold were involved the councillors should sit as judges with him. The title of chief magistrate referred apparently to the functions of the governor as conservator of the peace and general executive of the province. From him acting in these capacities proceeded the power of arresting, detaining and binding over offenders, which in the

<sup>1</sup> *Archives*, Council, 1667 to 1688, p. 39.

<sup>2</sup> *Archives*, Council, 1636 to 1667, p. 49. This was really an ordinance of government, for it contained commissions for governor, council and secretary, as well as directions for calling an assembly. Later commissions were an expansion and differentiation of this.

localities was exercised by constables, sheriffs and justices of the peace, and the power to issue and execute ordinances, pardon criminals, establish ports, harbors, markets and fairs, to care for the interests of the province and control its administration in general, supplementing in all needful ways the work done under the other functions, so as to make a rounded whole. By virtue of his power as chief magistrate the governor also became the constituent part of the legislature. It follows from this that within the province the governor was the centre from which proceeded all military, judicial and administrative functions, and also to a large extent legislative activity. From no measure of importance, even in the ecclesiastical sphere, was his hand or influence absent. All this the governor did as the commissioner and representative of the proprietor in the province. His official *status* was derived not from the province but from the proprietor. He was head of the province by virtue of his being intermediary between it and the proprietor. What the documents show to have been his position in Maryland, they also show, though somewhat less elaborately, to have been his place in the other proprietary provinces.

But at the same time that the office of governor was created, provision was made in the proprietary commissions and concessions for a council, which should stand toward the executive in a relation analogous to that occupied by the privy council toward the king in England. By the commission of 1637 the governor of Maryland was commanded to advise with it "as he Shall See cause upon all occasions concerning the good of our Said Province and of the people there." That it was associated with the governor in the discharge of the highest judicial functions, we have seen. The councillor's oath, like that of the governor, bound him to bear true faith to the proprietor and defend his rights, maintain the peace and welfare of the people, assist in the administration of justice, give good advice to the proprietor and his governor, and keep secret the affairs of state.<sup>1</sup> According to this oath then the council was a branch of the executive, and as such was under obligation to uphold the rights of the proprietor. In 1642 the council received for the first time a commission distinct from that of the governor.<sup>2</sup> In this it was called "o' privie Councell within o' said Province of Maryland," and its members were empowered to meet with the governor when and where he should direct, "to treat, consult, deliberate and advise of all matters, courses and things w<sup>ch</sup> shall be discovered unto

<sup>1</sup> *Archives*, Assembly, 1637 to 1664, p. 44; Council, 1636 to 1667, p. 85.

<sup>2</sup> *Archives*, Council, 1636 to 1667, p. 114. Substantially the same language was used in the commission of 1644; *ibid.*, 157, 159.

you or brought before you, as well concerning the quiet govmt and regulating the people there, as for the good and safety of o<sup>r</sup> said Province of Maryland." The peculiar function of the council then was to advise the governor and through him the proprietor, and in the provinces it was generally true that without that advice the executive should not act. The judicial powers of the council were also discharged in connection with the governor and were provided for in his commission. One would thus infer that as the council could not perform an executive act apart from the governor or an official representing him, so the councillors possessed of themselves no judicial *status* above that of justices of the peace in their localities.<sup>1</sup> And yet the council very greatly increased the strength of the executive because of the political and social influence which it contributed, while its utilization as a part of the legislature was of still greater advantage. Through it the influence of the appointing power was made much more effective than it could have been, if the governor had been left unsupported. The Carolina proprietors and Berkeley and Carteret in New Jersey availed themselves of this support, but Penn, until 1701, neglected it, and made express provision instead for an elective council.<sup>2</sup> His experience with this will appear in the sequel, but it was apparently of such a nature as to convince even the Quaker proprietor that an appointive council was a necessary part of the provincial system. However, when he secured it in permanent form, it was shorn of its direct legislative power.

The governor and council constituted the most important part of the official system of the province. The custom of accumulating offices in the hands of councillors, or, to state it otherwise, of admitting officials to the council, tended greatly to concentrate power in their hands. The other officials whom the proprietor directly appointed were usually the secretary, surveyor-general and receiver-general.<sup>3</sup> In Carolina, after the attempt to procure the acceptance of the Fundamental Constitutions began, each proprietor was expected to appoint a deputy to reside in the province and represent him there. These became a part of the council. In that

<sup>1</sup> *Archives*, Council, 1636 to 1667, p. 159. They are in this commission called conservators of the peace, with authority individually or collectively to arrest, detain and bind over; but when the time for trial came the governor must be associated with them.

<sup>2</sup> A provision for an elective council also appears in the Concessions of West Jersey, which are said to have been drawn by Penn. Clarkson, *Life of Penn*, 69; *N. J. Archives*, I. 265.

<sup>3</sup> *N. C. Recs.*, I. 50, 72, 73, 79, 165, 211, 240. *Md. Archives*, Council, 1636 to 1667, pp. 53, 101, 116, 158, 217, 219; Council, 1667 to 1688, pp. 71, 94. Hazard, *Annals of Pennsylvania*, p. 555. *Pa. Col. Recs.*, II. 61. *Penn and Logan Correspondence*, I. liii. *N. J. Archives*, I. 26, 376, 378.

document too provision was made for a large number of commissioners who were to be members of the various courts and whom the proprietors were to select. In 1643 Lord Baltimore appointed commissioners of the treasury.<sup>1</sup>

The other general administrative and judicial officers of the province, together with the local officers, appear in Maryland, Carolina, East Jersey and Pennsylvania to have been appointed by the governor. This must be qualified by the statement that the more important officials had the right to appoint deputies. In Maryland blank commissions<sup>2</sup> seem to have been sent over to be used in the appointment of sheriffs, justices of the peace, commanders of Kent Island or of the counties, constables, coroners, and in the early time for military officers. These were issued and countersigned by the governor. In later times military officers seem to have been commissioned directly by the governor.<sup>3</sup> The governor, however, was authorized, when occasion demanded, to appoint any civil or military officer and also to suspend officials and appoint their successors.<sup>4</sup> Over the selection of all officials he had great influence, for the proprietor had to rely largely upon him to suggest the names of suitable candidates.

In 1663 the Carolina proprietors, influenced it would seem by the arguments of the New Englanders and of adventurers from the Barbadoes who were petitioning for a grant at Cape Fear, proposed that the settlers should present a list of double the number of names required, from which the governor and councillors should be selected; also that the governor's term of office should be three years.<sup>5</sup> But this did not become a permanent feature of the Carolina system. The concessions of 1665 provided for the appointment of the lieutenant-general by the proprietors. Both governor and councillors, moreover, held during the pleasure of the proprietors, while the latter expressly reserved the appointment of the secretary and surveyor-general.<sup>6</sup> The Fundamental Constitutions, had it been possible fully to execute them, would have necessitated a great extension of the official system and would have strengthened proprietary control over it. To Governor Ludwell in 1691

<sup>1</sup> *Archives*, Council, 1636 to 1667, p. 140.

<sup>2</sup> *Ibid.*, pp. 61, 62, 70, 80, 88, 90, 96, 451, 534, 539; Council, 1667 to 1688, pp. 14, 26, 27, 33, 52, 567.

<sup>3</sup> *Archives*, Council, 1636 to 1667, pp. 75, 86, 102, 103, 117, 118, 124, 528; Council, 1667 to 1688, pp. 10, 12, 13, 113, 120.

<sup>4</sup> *Archives*, Council, 1667 to 1688, pp. 80, 85, 109, 117. The commission issued to Philip Calvert in 1660 empowered him to appoint, temporarily, councillors, a secretary and a receiver-general. *Arch.*, Council, 1636 to 1667, p. 391.

<sup>5</sup> *N. C. Recs.*, I. 36, 41, 44, 154, 156.

<sup>6</sup> *Ibid.*, pp. 79, 85, 97.

not only was authority given to fill certain specified offices, but to appoint all other officials deemed necessary for the administration of the government, but for whom no provision had been made by the proprietors or commissions already issued.<sup>1</sup> That the tenure of office in North Carolina remained unchanged till the close of the proprietary can be shown from published documents,<sup>2</sup> and if the manuscript records of South Carolina are ever printed much more abundant evidence to the same effect may be expected.

That in New York during the proprietary period the officials were wholly appointive and were exclusively controlled by the proprietor and those who exercised the appointing power under him, is susceptible not only of documentary proof, but it follows from the fact that no assembly existed in that province till near the close of its proprietary period, and the few measures which it passed affected the official system in no important respect.

But we find in Pennsylvania, especially during the earlier period of its existence, the system in vogue of filling offices by that combination of election and appointment which the Carolina proprietors seem at the outset to have been tempted to adopt. In his first Frame of Government, which was issued in 1682, Penn declared that, as the affairs of the province must be quickly ordered and settled, he would appoint judges, treasurers, masters of the rolls, sheriffs, justices of the peace and coroners, to hold during good behavior. But the method of filling these offices for which provision was made, both in the first Frame and in the one issued the next year, was this, that the council should present double the number necessary to fill the higher offices, and the assembly in the same proportion for the lower offices, and from these lists the governor should appoint the proper number in each case.<sup>3</sup> Offices seem to have been filled in this way, save during the interruption occasioned by Fletcher's governorship, till 1700 and 1701. Then judges and justices of the peace became by law directly appointive, and if we are to trust the implication of the Charter of Privileges, only sheriffs, coroners and county clerks continued to be chosen according to the old method, and that for short terms.<sup>4</sup> In West Jersey the provincial system was, in regard

<sup>1</sup> *N. C. Recs.*, I. 376.

<sup>2</sup> *Ibid.*, 705, II. 9, 33, 129, 175, 217, 249, 264, 489, 497, 503, 515, 569, 606, 607.

<sup>3</sup> *Pa. Col. Recs.*, I. 35, 45. This method of filling offices was in use among the Dutch, and had been employed in New Netherland. It has also been shown that it was discussed between Penn and his advisers when he was preparing the first Frame of Government. Shepherd, *History of Proprietary Government in Pennsylvania*, p. 228, *et seq.* But no conclusive evidence, to my knowledge, has yet come to light to show that Penn and his friends got this suggestion from the Dutch.

<sup>4</sup> *Col. Recs.*, II. 58, 232. *Statutes at Large of Pa.*, II. 134, 148.



to tenure of office, much more seriously modified than it was in Pennsylvania. There, according to the Concessions of 1677, not only was the legislature given the power to choose the councilmen who should administer the affairs of government when the assembly was not in session, but also the commissioners of public seals, treasurers, chief justices and collectors.<sup>1</sup> Justices of the peace and constables were to be chosen by the people, presumably in the localities. In November, 1681, it was enacted as a "fundamental" by the legislature of West Jersey that all officers of state or trust in the province should be nominated and elected by the general assembly or under its regulations, and that these officers should be accountable to the assembly or to such as it should appoint.<sup>2</sup> The acceptance of this and of several other "fundamentals" was made the condition of the recognition by the assembly of Samuel Jennings, the appointee of the proprietor Edward Byllinge, as deputy-governor. In 1683 Jennings was actually elected governor,<sup>3</sup> though in the Concessions there was no provision that he should either be recognized or elected. The records show that as long as proprietary government lasted in West Jersey the general assembly continued to elect nearly all of the officials of the province—the councillors, commissioners for dividing and regulating land, commissioners for buying land of the Indians and selling the same to discharge the public debts, clerk and recorder, surveyor, high sheriffs, constables for the respective tenths.<sup>4</sup> In 1683, after the East Jersey proprietors had reached the number of twenty-four, a "fundamental constitution" was issued for that province, which provided that many of the officials, both of the province and of the localities, should be elected.<sup>5</sup> But this "constitution" never went into effect,<sup>6</sup> and therefore in East Jersey the system of appointment which had been established by the first proprietors remained substantially unchanged. In that province, unlike West Jersey, the resident proprietors never became so numerous as to constitute even approximately a majority of the voters, and hence, even had it been desired, the democratizing of the province was a task of much greater difficulty.

By showing thus that the proprietor was the immediate source of office in his province, and that by instructions and the oath he

<sup>1</sup> *N. J. Archives*, I. 243, 265, 266.

<sup>2</sup> Leaming and Spicer, *Grants and Concessions*, 424.

<sup>3</sup> Gordon, *History of New Jersey*, 43. Mulford, *History of New Jersey*, 243, 244.

<sup>4</sup> *Grants and Concessions*, 457, 467, 491, 536, 544, 569, 579. Election was the regular business of the first day of the session. In this respect the general assembly resembled a court of election in the corporate colony.

<sup>5</sup> *N. J. Archives*, I. 395 *et seq.*

<sup>6</sup> Mulford, 219.

legally maintained a permanent connection therewith, a long step has been taken toward an explanation of the nature of the provincial system of government. But it may be still further illustrated by considering that the proprietor was potentially the immediate source of honor, as well as of office. If its feudal nature were to be preserved intact, the existence within the province of a nobility would be a matter of great importance. In all the charters granted by the crown to proprietors, except that of Pennsylvania, authority was given to bestow titles of nobility. Neither Gorges nor Baltimore attempted to exercise this power, though there are indications that the latter for a time contemplated something of the sort. The Carolina proprietors, in order the better to secure their official and aristocratic interests "with equality and without confusion," gave the plan for a nobility a permanent place in their Fundamental Constitutions. The character and fate of this plan are too well known to demand extended notice here. It failed "by Reason of the want of Landgraves and Cassiques," and that was due to the fact that these titles were worthless in Europe, and that in the colonies at that time there was neither population nor wealth sufficient to form the basis of a nobility. Just here there appears with great clearness the process of levelling to which the palatinate was even at the outset subjected, when it was reproduced on this continent. In some respects the governmental machinery of the province was far superior to that of the palatinate and more highly developed, but it was in those features which fitted it for modern and semi-popular uses. The monarchical features of the palatinate or of the kingdom could be reproduced in the province, because they are consistent with society of a democratic type. But an aristocracy, both as a form of society and as a system of government, is inconsistent with modern colonial conditions.

But though the proprietors found it impossible to create a nobility, and the Quaker proprietors would have repelled the suggestion that they desired such a thing, the governmental institutions of the province were established by them, and that mainly through the exercise of the ordinance power. This was done in accordance with their charter rights, and was closely connected with the exercise of the appointing power. It remains now to be seen how, on the basis of an official system which in the normal province was the creation of the proprietor, the judicial, military and legislative institutions in a colony of this type originated.

As we have seen, the highest court in the proprietary province in the early stages of its history, was created by the appointment of the governor and council. This is true both of Maryland and

of Carolina. The Provincial Court of Maryland apparently consisted of the governor and council until 1692. Then it seems that the two bodies became distinct, though leading men of the province frequently sat as members of both. In North Carolina the earliest extant records show that the general court consisted of the deputy-governor, the deputies of the proprietors, and at least one assistant or associate.<sup>1</sup> This was in 1694. The court appears in this form in 1695.<sup>2</sup> But in October, 1702, it apparently begins to act under a commission distinct from that of the council or the proprietors' deputies. Then its commission was published and the oath of office was taken by three judges.<sup>3</sup> In March, 1703, two other judges took the oath. We have no further records of the court till March, 1713, and then the bench consisted of a chief justice and associate justices. The chief justice was appointed by the proprietors, and at least during and after Governor Eden's administration he appointed the associate judges.<sup>4</sup> In Pennsylvania the provincial court became differentiated from the council almost immediately. In 1684 an act was passed which provided that five judges should be appointed by the governor, any three of whom should constitute this court. Twice yearly they should sit in Philadelphia, and in both spring and fall at least two of them should go on circuit through the counties of the province and territories.<sup>5</sup> Whether the court was established thus early as a distinct body because the council was elective or whether the proprietor and early settlers of Pennsylvania were seeking in this case a closer imitation of English usage than usually obtained in the colonies at the outset, the province never abandoned the principle of the act of 1684. There was much subsequent legislation, and no little controversy over the establishment of courts, both with the home government and between the governor and assembly; as in the other provinces also the governor and council in early times continued occasionally to discharge judicial functions; but Pennsylvania adhered from the outset to a judiciary which should be as distinct as possible both from the legislature and from the executive.

Of the lower courts in the proprietary province those of the manors may be disregarded, because they played a part of no importance in the American judicial system. So far, however, as they existed, they were the creations of the executive and not of the legislature. Of the local subdivisions of the province which were used

<sup>1</sup> *N. C. Recs.*, I. 405.

<sup>2</sup> *Ibid.*, I. 442.

<sup>3</sup> *Ibid.*, 566.

<sup>4</sup> *N. C. Recs.*, II. 80, 148, 217, 264, 299, 535.

<sup>5</sup> *Charter and Laws of Pa.*, 168, 184, 225.

for governmental purposes—towns, hundreds and counties—the last were by far the most important and may here be taken to illustrate the point in view.<sup>1</sup> For the establishment of a county two acts were essential and decisive, the fixing of its bounds and the creation of the county court. In the early history of the proprietary province the fixing of the bounds of counties was the work of the proprietor, and was done through his governor, the council, and the officers connected with the territorial administration. With that side of proprietary activity it was closely allied. In Maryland St Mary's County at first comprised all the settled part of the province. Its bounds were generally defined by the formation of outlying counties. Of the order of 1650 fixing the bounds of Charles County, and that of 1654 repealing the above ordinance and erecting and bounding Calvert County, the record has been preserved.<sup>2</sup> The orders for the erection of Somerset County and for the attempted erection of Worcester County on Delaware Bay are exceptionally detailed.<sup>3</sup> The records of the origin of the other Maryland counties which were created by prerogative in the seventeenth century do not appear.

But the more important act was the creation of the county courts. In most cases the proprietor began the establishment of these by the appointment of their officers. In January, 1638, John Lewger was appointed conservator or justice of the peace within St. Mary's County.<sup>4</sup> James Baldridge was at the same time appointed sheriff and coroner. Thus the officials whose presence was necessary to the existence of a county court were in being, but for some years at the outset the governor and council seem to have acted as the court of St. Mary's County. December 30, 1637, Capt. George Evelyn was appointed by the governor as commander of Kent Island, with the criminal and police jurisdiction of a justice of the peace and civil jurisdiction in cases involving £10 or less.<sup>5</sup> Probably on account of the remoteness of Kent Island and the difficulties with Clayborne, the commander was authorized to appoint all officers necessary for the preservation of the peace and administration of justice there, and especially a council of six or more with whom to consult respecting all important matters. Notwithstanding this, and though there is no proof of Evelyn's removal, the fol-

<sup>1</sup> What is here said concerning the counties applies with equal force to towns and hundreds. In reference to the hundred in Maryland see *Archives*, Council, 1636 to 1667, pp. 59, 70, 89, 91; Assembly, 1637 to 1664, p. 145 *et seq.*

<sup>2</sup> *Archives*, Council, 1636 to 1667, pp. 259, 308.

<sup>3</sup> *Archives*, Council, 1667 to 1688, p. 108.

<sup>4</sup> *Archives*, Council, 1636 to 1667, pp. 60, 85.

<sup>5</sup> *Ibid.*, p. 59.

lowing February<sup>1</sup> three other justices of the peace were appointed by the governor for Kent Island and given the authority to hold there a "court leete." A sheriff and a coroner were appointed at the same time. Other appointments and orders follow, till in 1642 Giles Brent was made commander and two county commissioners were appointed.<sup>2</sup> It was at that time that Kent Island appeared definitely as a county.<sup>3</sup> When Charles and Calvert Counties were erected we have record of the appointment only of a commander in one case and of a sheriff in the other. But in June, 1661, after the disturbed period of the Commonwealth had passed, an elaborate commission<sup>4</sup> of the peace was issued, appointing a board of justices for each of the counties then existing in the province. Such commissions were renewed at intervals thereafter.<sup>5</sup> But of these counties, only one had been erected by act of assembly. That was Ann Arundel, and it was created by a law of 1650.<sup>6</sup> No other act for a similar purpose was passed till 1695.<sup>7</sup> Hence, with one exception, the original counties of Maryland were created, that is, their bounds were fixed, courts established, magistrates appointed, and to an extent the jurisdiction of the courts was determined, by prerogative. The institutions thus founded were developed and perfected by the proprietor in his legislature. Statutes providing for this appear in the eighteenth century, but they simply elaborate the details of a system already established by ordinance and custom.

Power to erect counties was given to the Carolina proprietors in their charters, but, as interpreted by them at the outset, it meant the subdivision of the vast territory they received into a number of provinces, each with a governor and assembly. These, however, were called counties.<sup>8</sup> In the concessions of 1665 the proprietors speak of "the county of Clarendon, the county of Albemarle, and the county of —, which latter is to be to the southward or westward of Cape Romania, all within the province aforesaid." But the

<sup>1</sup> *Md. Archives*, Council, 1636 to 1667, p. 62.

<sup>2</sup> *Ibid.*, pp. 80, 90, 97, 105. Assembly, 1637 to 1664, p. 55.

<sup>3</sup> In 1695 Kent Island was annexed to Talbot County.

<sup>4</sup> *Ibid.*, p. 422.

<sup>5</sup> *Ibid.*, pp. 448, 471, 534, 537. Council, 1667 to 1688, pp. 14, 33, 52, 97. Sheriffs and coroners were appointed in the same way, save for a few years subsequent to 1662, when a law was in force that sheriffs should be appointed from lists presented to the governor by the county justices.

<sup>6</sup> *Archives*, Assembly, 1637 to 1664, pp. 283, 292.

<sup>7</sup> Bozman, *History of Maryland*, II. 246 n.

<sup>8</sup> *N. C. Recs.*, I. 44, 79 *et seq.* In 1663 these proposed subdivisions were called by the proprietors colonies. In the "proposals" of that year they spoke of the settlement near Cape Fear as "the first colony." We have here a reminiscence of the language applied in 1606 to Virginia. But I have not found the settlement on the Chowan or that south of Cape Romania referred to as the second colony.

government planned for them, and which developed in Albemarle County, was provincial. Each was intended to be a county palatine, rather than a county in the modern sense of the term. But in the Fundamental Constitutions the modern county appears. The number created was to be the same as the number of landgraves, and they were to be increased as settlement progressed. Each county was to contain eight seigniories, eight baronies and four precincts, each precinct to include six colonies. That would make the area of each county to be 480,000 acres,<sup>1</sup> three-fifths of which was to be open for settlement and two-fifths to be held as seigniories and baronies. In every county there should be a court consisting of a sheriff and four justices, one for each precinct, and all to be commissioned by the palatine's court.<sup>2</sup> Neither was the civil or the criminal jurisdiction of these tribunals limited, save by the right of appeal to the proprietor's court in personal causes involving more than £200, and in any cause involving title to land, or any criminal cause on payment of £20 as security.

The Concessions and Agreement of 1665 provided at length for an assembly, and among its powers appears<sup>3</sup> that for "constituting all courts for their respective counties, together with the limits, powers and jurisdiction of said courts;" also the officers, their number, titles, fees and perquisites. These Concessions were repeated in instructions to the governor of Albemarle in 1667.<sup>4</sup> But from the records as preserved it cannot be proved that courts were established in Albemarle County under acts of assembly. If the intentions of the proprietors ever were designedly so liberal as is indicated by the Concessions of 1665, they abandoned that attitude and policy when they published Locke's Constitutions. Their instructions from that time are drawn in the spirit of the Constitutions and not of the Concessions. The acts of the first assembly of Albemarle (January, 1670), so far as ratified by the proprietors, have been preserved, and none of them provides for the establishment of courts. In one of them the court of the governor and council is referred to as in existence. This was to be expected, and probably it was the only one in the little settlement. The instructions of 1670 to the governor and council of Albemarle<sup>5</sup> empowered them to establish such and so many courts as they should think fit, till "our Grand Modell of Government" could be put into execution. That, as we know, provided for an elaborate judicial system to be established by ordinance, after the Constitutions had been

<sup>1</sup> Arts. 3 and 4.

<sup>2</sup> Art. 61.

<sup>3</sup> *N. C. Recs.*, I. 82.

<sup>4</sup> *Ibid.*, p. 168.

<sup>5</sup> *Ibid.*, p. 182.



accepted. In the instructions to the governor and council of Albemarle in 1676, they were commanded not only to administer justice themselves according to the laws established, but to propose in the assembly the passage of laws for jury trial in criminal cases, as provided for in Article 69 of the Fundamental Constitutions, and for bail pending trial. In the instructions issued to Governor Henry Wilkinson in 1681<sup>1</sup> he was empowered, with the advice of the council, to establish such courts as he should think fit, till the Fundamental Constitutions could be put into operation. Ludwell, in 1691, was instructed, with the consent of three of the proprietors' deputies, to appoint a judge and four justices to try cases in any of the counties which had fifty freeholders qualified to serve on juries.<sup>2</sup> In 1692 the assembly of South Carolina admitted that the power to erect courts belonged to the proprietors, though the claim was made that it should be regulated by law.<sup>3</sup> The extant records of the court of Perquimans Precinct, apparently the earliest records of a county court which have preserved in North Carolina, begin in 1693.<sup>4</sup> In 1733 Governor Burrington had a controversy with two members of the council about the right to erect precincts and was able to show that, save in the case of one precinct formed in 1722, all had been erected without the co-operation of the legislature. By an act of 1715 the legislature recognized as legal units of representation the precincts which down to that time had been established by ordinance.<sup>5</sup>

The records indicate that in both the Jerseys the proprietors in establishing counties and courts acted mainly through the legislature, but in New York Yorkshire with its ridings was created by Governor Nicolls, and in the Duke's Laws, which were published by proclamation, provision was made for the holding of courts of sessions in each riding.<sup>6</sup> But the county system was by the acts of 1683 and 1691 remodelled and extended through those parts of the province which were inhabited by the Dutch.

When in 1664 the English took possession of the Delaware, local government there was continued without interruption. The Dutch magistrates were continued in office till successors were appointed and government established under English titles and forms.<sup>7</sup> But both the officers who were displaced and those who succeeded were appointed by their superiors at New York. Governors Nicolls, Lovelace and Andros appointed constables, surveyors,

<sup>1</sup> *N. C. Recs.*, I. p. 334.

<sup>3</sup> Rivers, p. 434.

<sup>2</sup> *Ibid.*, p. 375.

<sup>4</sup> *N. C. Recs.*, I. 386.

<sup>5</sup> *N. C. Recs.*, III. 444 *et seq.*

<sup>6</sup> *Charter and Laws of Pennsylvania*, p. 20.

<sup>7</sup> *Pennsylvania Archives*, 2d Series, V. 544, 551, 572.

sheriffs and other officials for the keeping of the peace and the administration of justice on the Delaware,<sup>1</sup> and fully controlled them in the performance of their duties. By these acts three courts were established, one at Upland, another at Newcastle and a third at the Whorekills. Each was provided with justices, a sheriff and a coroner.<sup>2</sup> They were then county courts and later came to be so known. Sessions continued to be held with considerable regularity. The records of the court at Upland have been preserved<sup>3</sup> and show that it continued without interruption till it became the court of Chester County, Pennsylvania. The region within the jurisdiction of the two other courts was annexed to Pennsylvania in 1682 as the Three Lower Counties of Newcastle, Jones (later Kent) and Deal (later Sussex). Upland and Newcastle had been known as counties at least since 1678.<sup>4</sup> Jones and Deal were, it would seem, separately organized within four months after Penn received from the Duke of York the deed which it was supposed transferred to him the Delaware region.<sup>5</sup> At the same time, in addition to Chester, Philadelphia and Bucks counties were established in Pennsylvania. This all was done before the first assembly of Pennsylvania met at Chester.<sup>6</sup> In the first and second Frames of Government, moreover, the proprietor vested in the governor and council the right to establish courts. To the council and assembly he gave the privilege, already referred to, of nominating double the number of candidates for justices and other court officers, from which lists the governor made appointments. In this way the earliest county courts in Pennsylvania were brought into existence, by the exercise of the ordinance power and in harmony with English custom. But legislation regulating the jurisdiction of these and the other courts of the province began in 1683 and continued steadily thereafter. The other counties of the province also were erected by law, Lancaster in 1729 and the others at later dates.<sup>7</sup>

The relation in which at the outset the proprietor and governor stood toward the system of defence was the same as that which he bore toward the courts of the province. As we have seen, the proprietor, by virtue of the authority he had received from the king,

<sup>1</sup>*Pennsylvania Archives*, 2d Series, V. 585, 597, 598, 600, 615, 618, 619, 649-654, 686, 689, 690, 697, 728; VII. 818. *Charter and Laws of Pennsylvania*, 446 *et seq.*

<sup>2</sup>Edmund Cantwell was high sheriff of the river. *Archives*, V. 619. See the official lists in *Pa. Archives*, 2d Series, IX. 644 *et seq.*

<sup>3</sup>*Record of the Upland Court, Memoirs of the Historical Society of Pennsylvania*, VII.

<sup>4</sup>*Ibid.*, p. 119.

<sup>5</sup>Hazard, *Annals of Pennsylvania*, pp. 602, 605, 606.

<sup>6</sup>*Ibid.*, p. 607.

<sup>7</sup>*Charter and Laws of Pa.*, p. 127. Miller, *Laws of Pa.*, fol. 1762, II. 23, 27, 36, 38. Franklin, *Laws of Pa.*, p. 359.

made his governor commander of the forces by land and sea. All officers, military and civil, whose duties might contribute toward the work of defence, were commanded to obey him. In the commissions, particularly those of Carolina, the military powers of the governor stood in the forefront, and he was empowered to resort to all measures which were necessary for defence. As Pennsylvania, however, developed no militia system till compelled to do so by the ravages of the enemy during the last intercolonial war, she can in this connection safely be left out of account. Of provisions for defence in the Jerseys, while under the proprietors, traces are very faint. Their protected position combined with other causes to divert attention from such measures and cause them to seem unnecessary. But Maryland, Carolina and New York provided for defence according to characteristic proprietary methods. In them all military officers were appointed and commissioned by the governor.<sup>1</sup> The system of training was under his direction, and when expeditions were fitted out he gave orders, directions and instructions both before and after the troops had set out upon the march. In Maryland he occasionally commanded in person. The enforcement of the assize of arms was ultimately a duty of his, as was the procuring of supplies of all kinds and the keeping of a magazine. The work of building, repairing and garrisoning forts also devolved upon him. The subordinate officers in Maryland through whom the governor acted were in early times the captain of the band of St. Mary's, the captain of the band of Kent Island, the commanders of the counties. From time to time commanders were appointed for special expeditions, against either the Indians or the various enemies of the province, internal and external. Thomas Cornwallis was repeatedly summoned<sup>2</sup> to such a duty as this. When after 1660 the raids of the Five Nations against the southern tribes became frequent, expeditions had several times to be organized to restore quiet in the northern part of the province. The soldiers for these were raised by draft upon those liable to military service in the counties.<sup>3</sup> In 1658, by order of the governor and council, captains were appointed to command and train the militia in various specified sections of the province.<sup>4</sup> We presently find that the trained bands of St. Mary's County were already formed into a regiment under a colonel.<sup>5</sup> This probably was the beginning of the organization of the entire militia system with the county as a unit. The office of

<sup>1</sup> *Md. Archives*, Council, 1636 to 1667, pp. 75, 86, 88, 102, 103, 127, 131, 344, 349, 392, 409, 427, 522; Council, 1667 to 1688, pp. 10, 12, 14, 21; Council, 1688 to 1693, pp. 45, 56, 66, 67. *N. C. Recs.*, I. 84, 97, 171, 194, 336, 695, 780.

<sup>2</sup> *Arch.*, Council, 1636 to 1667, p. 131.

<sup>4</sup> *Ibid.*, 344, 349, 351, 401.

<sup>3</sup> *Ibid.*, 416, 422

<sup>5</sup> *Ibid.*, 392.

muster-master-general was revived and bestowed on the colonel of the St. Mary's regiment.<sup>1</sup> Whether the system of county regiments had come fully to prevail before the institution of royal government in Maryland the authorities do not clearly reveal. That it had not done so in New York at the close of the proprietary period is shown by the statement of Andros in 1678, that the militia then consisted of companies for the most part with less than one hundred men each.<sup>2</sup> The system of training and service by companies, for which provision was made in the Duke's Laws, was not materially changed till after the permanent establishment of counties in New York. Of the militia system in Carolina during the proprietary period, save the general fact of the extent of the governor's legal control, we get no satisfactory information in the extant records.

In the development of government war and finance are always closely connected, and largely through this connection has the legislature been able to win its position of leadership. The history of Maryland furnishes an illustration of this. The heaviest expenses of its government were incurred in its military expeditions. The right to raise all revenue, which did not accrue in the form of rents, alienation fines and fees, belonged to the general assembly. It early made use of this right as a means of limiting and regulating the exercise of the proprietor's powers in the domain of military affairs. In 1650 a law was passed<sup>3</sup> providing that freemen should not be compelled to serve outside the province, and that martial law should be enforced only within a camp or garrison. In 1661 an act was passed prescribing the quota which should be raised from each county for a prospective expedition against the Indians, and the wages of the officers and soldiers.<sup>4</sup> The governor and council were empowered to raise the amount which was necessary by a poll-tax according to the custom of the province. If it was deemed necessary, they might also, during the recess of the assembly, raise additional forces. In 1676<sup>5</sup> a very comprehensive act was passed which prescribed the settled policy of the province in reference to training, the raising of supplies for war, the amount of wages which should be paid, the providing of pensions for the disabled, and the impressing of provisions. The act explicitly defined the mode of raising the revenue which should be required and provided that certain members of the assembly should see that it was expended for the purpose designated. Regularly, from the

<sup>1</sup> *Ibid.*, 215, 409, 545.

<sup>2</sup> *N. Y. Col. Docs.*, III. 260, 263. *Charter and Laws of Pa.*, 38.

<sup>3</sup> *Arch.*, Assembly, 1637 to 1664, p. 302. McMahon, *History of Maryland*, p. 161.

<sup>4</sup> *Arch.*, Ass., 1637 to 1664, p. 407.

<sup>5</sup> *Arch.*, Ass., 1666 to 1676, p. 557.

first, revenue had been appropriated for the proprietor's use, but this act shows, perhaps better than any other which was passed during the early period, how the tax-granting body by availing itself of financial needs created by war could effectively limit the exercise of the prerogative.

It has now been shown, so far as space and published records will allow, that the proprietor was in the full legal sense the official and administrative head of the province. In the Fundamental Constitutions of Carolina his executive powers were distributed among a board of eight, so that each should hold one of the great offices of state and a court should result which should be a reflection of the English court, as it was in the later Middle Age or during the period of the Tudors. The powers which in the case of Carolina were analyzed and distributed in this way, were in the other proprietary provinces, with the exception of New Jersey, centered in the hands of an individual. The proprietor of Maryland, for example, was his own admiral, constable, chancellor, chamberlain, chief justice, high steward and treasurer,<sup>1</sup> and exercised these powers either in person or by delegation. An obligation to obey the proprietor, as the one in whom these powers met, rested then upon the inhabitants of the province, and it was briefly and authoritatively stated in the oath of fidelity. As we have seen, the taking of this oath was one of the conditions of the socage tenure. It was required in the corporate colony, though the rent, which was the other condition of the tenure, was not mentioned in the land-grants. The influence of tenure in the colony of that type may be said to have vanished, and the oath, as there taken, to have implied a purely political obligation. Provision for it was made by an act of the general court, and in Massachusetts, for example, the oath bound the freeman to obey and support the government of the commonwealth, not to plot any evil against it, but instead to reveal to the proper authorities plans of this nature as soon as their existence should be known. In giving his vote the freeman promised to seek conscientiously the public weal without respect of persons or fear of any man. The only difference between the oath of the resident and that of the freeman<sup>2</sup> consisted in the omission from the former of this last provision. But in the oath of fidelity as imposed in the proprietary province appears the element of personal fealty which was so characteristic of the feudal relation. Moreover, it was due to the proprietor as of

<sup>1</sup> The statement of Sir Ferdinando Gorges in the *Briefe Narration* concerning his plans for the government of his province furnishes another illustration in point. Baxter, *Gorges and the Province of Maine*, II. 66.

<sup>2</sup> *Mass. Recs.*, I. 115, 117.

right and not as the result of legislative enactment. In Maryland, as administered in 1643,<sup>1</sup> the oath contained a solemn promise to obey the proprietor and his heirs in temporal matters as the absolute lords and proprietors, and to defend and maintain their royal jurisdiction and dominion over the land and people of the province, as granted in the charter. His territorial rights were also recognized by the engagement not to receive or purchase any lands in the province from those—even Indians—who did not derive their title to them from the proprietor, and to hold them only “to the use of the said Lord or Proprietor.” The personal element in the oath appears very clearly in the form prescribed in 1648. “I . . . do Swear that I will bear true faith unto his Lordship and to his heirs as the true and absolute Lords and Proprietarys of the said Province, and . . . will at all times, as Occasion shall Require, to the utmost of my Power defend and maintain all such his said Lordship's and his heirs' Right, Title, Interest, Priviledges, Royal Jurisdictions, Prerogative Proprietary, and Dominion over and in the said Province of Maryland . . . and over the People who are and shall be therein,” according to the powers specified in the royal charter.<sup>2</sup> Among the bills which in 1639 for some unknown reason failed to become law, but all of which embody ideas held in the province at the time, was one<sup>3</sup> defining the crime of treason against the proprietor in terms borrowed from the statute of Edward III. and providing that it should be punished in the same way as treason against the king. In 1642 a law<sup>4</sup> was actually passed which affixed the penalty of death, forfeiture of goods and corruption of blood to the crimes which were mentioned in the bill of 1639, but they were no longer expressly termed treason. As soon as the influence of the Puritans who settled at Annapolis appears in the affairs of the province, we find them protesting against the words “absolute lord” and “royal jurisdiction” in the oath, as “far too high for a subject to exact, and too much unsuitable to the present liberty which God had given the English subjects from arbitrary and popish government.” Therefore from the oath which was prescribed in 1650 by a legislature in which the Puritan element was strong the objectionable phrases were omitted and the words “just and lawful” introduced to signify the kind of authority which the colonist obligated himself to obey.<sup>5</sup> But this oath contained the additional require-

<sup>1</sup> *Arch.*, Council, 1636 to 1667, p. 145.

<sup>2</sup> *Ibid.*, p. 196.

<sup>3</sup> *Archives*, Assembly, 1637 to 1664, p. 70.

<sup>4</sup> *Ibid.*, p. 158.

<sup>5</sup> Bozman, II. 403, 423, 671. *Arch.*, Council, 1636 to 1667, p. 299. Substantially the same form was in use in 1681. *Arch.*, Council, 1667 to 1688, p. 310.



ment that the individual taking it should with all speed reveal any plot against the person or rights of the proprietor, the existence of which should come to his knowledge. The oath of fidelity was administered not only to officials and members of the assemblies, but after 1648, save for a time during the troubles of the Commonwealth,<sup>1</sup> to all who received a grant of land in the province.

The Carolina proprietors required that their governors, the councillors, assemblymen, all officials of the province, and all who would receive grants of land or enjoy political rights should take not only the oath of allegiance to the king, but that of fidelity to themselves.<sup>2</sup> The latter required that they should be faithful to the proprietors, promote the peace and welfare of the province, and discharge with fidelity the trusts imposed upon them. Those who could not swear should subscribe, and the subscription should be as binding as the oath. But the proprietors of Carolina never went to the extreme of claiming or countenancing the idea that the crime of treason could be committed against them. Conspiracy and rebellion against their government they interpreted to be treason against the king.<sup>3</sup> This was the attitude assumed by all proprietors subsequent to the Restoration. The requirements of the Carolina proprietors were reproduced in New Jersey, and in a proclamation issued in 1668 to the inhabitants of Middletown and Shrewsbury they were forbidden to vote or hold office without taking the oaths.<sup>4</sup> That a similar oath was administered in New York there is abundant evidence.<sup>5</sup> In Pennsylvania again the situation was peculiar because of the number and influence of the Quakers. But even there it was enacted by the assembly at Chester in December, 1682, that all officeholders in the province and all who had the right to choose or be chosen members of the assembly, should subscribe a declaration of fidelity to the proprietor, his heirs and assigns, and should not "consent to nor conceal any person or thing whatsoever to the breach of this solemn engagement." This was afterwards placed among the "fundamental laws," which, like the Frames of Government, could be amended or repealed only by the consent of the proprietor and of six-sevenths of the members of the provincial council and assembly.<sup>6</sup>

<sup>1</sup> *Arch., Ass.*, 1637 to 1664, p. 348. Bozman, II. 514. *Arch., Council*, 1636 to 1667, pp. 226, 228, 256, 334, 469.

<sup>2</sup> *N. C. Recs.*, I. 80, 166, 181, 334.

<sup>3</sup> *Ibid.*, 345, 368.

<sup>4</sup> *N. J. Archives*, I. 30, 48, 58. For the administration of the oaths of allegiance and fidelity in later times see the *Records of the Governor and Council of East Jersey*, 1682 to 1703, pp. 5, 102.

<sup>5</sup> *N. Y. Col. Docs.*, III. 71, 74, 331.

<sup>6</sup> *Charter and Laws of Pennsylvania*, 122, 154.

It is clear then that in the proprietary province the oath of fidelity was the equivalent of the oath of allegiance in the kingdom. That it was so regarded is shown in the case of Maryland, by a letter from the council to the proprietor, written in January, 1689.<sup>1</sup> At that time the spirit of revolt was appearing which culminated in Coode's rebellion. In 1684 the proprietor had informed the assembly that for the future he expected every member of it to take the oath. Two years later the council proposed that it be taken, but the assembly excused itself. Again in 1689 the council forced the subject on the attention of the assembly, and told them that "fidelity was allegiance, which by the laws of England might be proposed even to the House of Commons in Parliament sitting, and that the refusal of allegiance did imply rebellion . . . ." After some opposition the oath was taken by all save one member, who was a Quaker.

HERBERT L. OSGOOD.

(*To be continued.*)

<sup>1</sup> *Arch.*, Council, 1688 to 1693, p. 62.

## THE DEVELOPMENT OF THE LOVE OF ROMANTIC SCENERY IN AMERICA

7  
1833 —

FRIEDLÄNDER and others have made it a familiar thought that admiration and affection for wild and romantic scenery are modern feelings, belonging chiefly to the period since the middle of the last century. Among the ancients, isolated instances of such feelings may be found, but are certainly extremely rare. Their admiration was reserved for cultivated scenery, mild and gentle, meadows and orchards and lawns and springs. A characteristic passage is that in which Cicero notes as remarkable, that we take pleasure in places where we have long sojourned, *even though* they be mountainous and wooded. The medieval writers were, almost without exception, subject to the same limitations. Indifference to wild and mountainous scenery, abhorrence even, continued to be almost universal throughout the sixteenth and seventeenth centuries, and indeed until after the middle of the eighteenth. Montaigne and Addison passed over the Alps without recorded sign of pleasure. Goldsmith, after visiting the Highlands of Scotland, wrote in disgust that "every part of the country presents the same dismal landscape," while soon afterward he wrote of Holland that "nothing can equal its beauty. Wherever I turned my eye, fine houses, elegant gardens, statues, grottos, vistas presented themselves. Scotland and this country bear the highest contrast; there, hills and rocks intercept every prospect; here it is all a continued plain." If a few passages in certain poems be left out of account, it may fairly be said that the modern feeling with respect to wild scenery was virtually non-existent at the time when these words were written (1754). It was in the next year that the youthful Gibbon made the tour of Switzerland, and the manner in which, writing his autobiography thirty years later, he speaks of these travels, is plain evidence that the great change came about, substantially, within a generation. In every place he visited the churches, arsenals, libraries, and all the most eminent persons; he examined Switzerland after the same manner in which he would have examined a country that had no scenery. "The fashion of climbing the mountains and reviewing the glaciers," he says, "had not yet been introduced by foreign travellers who seek the sublime beauties of nature." The *Nouvelle Héloïse* was published in 1759. A generation later, before Gibbon had

died, came that time in Wordsworth's youth which he has described in the lines written near Tintern Abbey, when

“The sounding cataract  
Haunted me like a passion: the tall rock,  
The mountain, and the deep and gloomy wood,  
Their colours and their forms, were then to me  
An appetite; a feeling and a love,  
That had no need of a remoter charm,  
By thought supplied, nor any interest  
Unborrowed from the eye.”

And Wordsworth, and others like-minded with him, have taught to all subsequent generations a passionate love of wild and romantic scenery which sharply differentiates the modern feeling for nature from that of earlier times.

The history of this development has been traced in English and other European literatures. It is of some interest to examine its course in America. Shall we find such a change supervening, here also, within a limited time? Shall we find it proceeding spontaneously or by imitation? If the former, we may find in it some confirmation of that opinion which seems wisest in the European case, that this modern attitude toward nature arose not by the influence of Rousseau or any one writer, but that the change was one phase of that general “modulation of key” which we call the romantic movement. To the questions thus put, the travellers and the poets will furnish the best answers; and among travellers it is plain that those who are distinctively American will deserve the greatest weight.

Travellers to the colonies in the seventeenth and eighteenth centuries were fond of recording their experiences in the new country, but most of them confined their descriptions to the social, economic, political and religious characteristics, with an occasional digression into the fields of geography or natural history. If they spoke of the land, it was generally with reference to its productive capacity, the wheat or tobacco which a given region yielded. There were chapters devoted to the climate, the soil, rivers and navigation, but not to scenery. Nor did many of them penetrate into the interior, where the wild scenery was to be found. But even those who braved the difficulties of inland discovery seem little impressed by anything save the horror and desolation of the region.

The first visit to the White Mountains, then called the Crystal or White Hills, seems without doubt to have been made in 1642, when Darby Field, an Irishman, in company with several others,

ascended them, hoping to find minerals of value. The account as given by Winthrop in his history of New England is as follows.

"In the same year, 1642, one Darby Field, an Irishman, with some others travelled to an high mountain, called the White Hills, an hundred miles or near upon to the west of Saco. It is the highest hill in these parts of America. They passed there many of the lower and rainy clouds as they ascended up to the top thereof, but some that were there afterwards saw clouds above them. There is a plain of sixty feet square on the top, a very steep precipice on the west side, and all the country round about them seemed like a level and much beneath them. There was a great expectation of some precious things to be found, either on the top or in the ascent, by the glistening of some white stones. Something was found like crystal, but nothing of value."

There is not a word of the grandeur of the scenery, no reference to that which is romantic or picturesque, only a bare statement of facts as to situation, the dimensions of the plain and the steepness of the precipice.

Travellers to this region were not numerous during the seventeenth century. The Indians had a superstitious veneration for the summit, as the habitation of invisible beings, and not only never ventured to ascend it themselves, but also endeavored to dissuade everyone from the attempt. They were most earnest in their entreaties to Darby Field not to undertake the daring feat and thus stir up the wrath of the gods. The first visitor to leave an account of his journey in print was John Josselyn, the naturalist, who visited the mountains between 1663 and 1671, and from whom, in another age, we might expect a glowing account, or at least some allusion to the impression produced upon him by their grandeur. In his *New England Rarities Discovered* he says: "From this rocky hill you may see the whole country round about; it is far above the lower Clouds and from hence we beheld a vapor (like a great Pillar) drawn up by the Sun Beams out of a great Lake or Pond into the Air, where it was formed into a Cloud. The country beyond these Hills northward is daunting terrible, being full of rocky Hills, as thick as mole-hills in a meadow and clothed with infinite thick woods." It is plain that the wildness impressed him, but not with feelings of admiration.

In his *Relation of Two Voyages to New England* Josselyn tells of a "neighbour" who "rashly wandered out after some stray'd cattle, lost his way, and coming as we conceived by his Relation near to the head spring of some of the branches of the Black Point River or Saco River did light into a Tract of land for God knows how many

miles full of delfes and dingles and dangerous precipices, rocks and inextricable difficulties which did justly daunt, yea, quite deter him from endeavoring to pass any further; many such like places are to be met with in New England." Only once is the writer betrayed into an expression which borders upon appreciation of such scenes, and that is a mild reference to "one stately mountain . . . surmounting the rest."

Lahontan, writing of his voyage to America in 1688, speaks of a cataract as "fearful." In the same year John Clayton, a Yorkshire rector, sent to the Royal Society a *Letter giving Account of Several Observables in Virginia*, which contains chapters on the air, water, earth and soil, birds and beasts of Virginia, but not one word describing the natural scenery of the colony. Robert Beverley, who published his history of that colony in 1705, had certainly a vivid feeling for the beauties of nature as he saw them; but as for the mountains, he regards them from a strictly utilitarian point of view. "A little farther backward there are mountains which indeed deserve the Name of Mountains for their Height and Bigness; which by their difficulty in passing may easily be made a good Barrier of the country against Incursions of the Indians, etc., and shew themselves over the Tops of the Trees to many Plantations at 70 or 80 Miles distance very plain. These Hills are not without their Advantages; for out of almost every riseing Ground throughout the Country there issue abundance of most pleasant Streams of pure Chrystal Water, than which certainly the World does not afford any more delicious . . . where the finest water works in the World may be made, at a very small expence."

Daniel Neal, in his *History of New England*, published at London in 1719, in a description of New Hampshire, says: "The Inland part of the country is high and mountainous and consequently barren," a concise, but hardly an appreciative way of disposing of the White Mountains. That mountain scenery had not been reported to him with high laudations may be inferred from a casual remark in his description of Connecticut: "The East parts of this Country are pleasant and fruitful, but the Western are swampy and mountainous." Swamps and mountains were equally undesirable features of a landscape in the minds of our early forefathers. In 1729 Burton's *English Empire in America* appeared. It contains a description of Virginia, but no mention of the Natural Bridge, nor anything to denote an interest in the picturesque and romantic scenery of the colony. Except for the Rev. Andrew Burnaby (1759, 1760), there is perhaps no praise of the American mountains by foreign travellers until the time of the Revolution.



Meanwhile, in sporadic instances we find native expressions of appreciation of wild scenes. In the New York *Colonial Documents* one finds *The Journal and Relation of a New Discovery made behind the Apuleian Mountains to the West of Virginia*, written in 1671, in which we are assured that "In a clear place on the top of a hill [the discoverers] saw over against them to the southwest a curious prospect of hills, like waves raised by a gentle brize, rising one behind another. . . . They then returned homewards again, but when they were on the Top of the Hill they took a prospect as far as they could view and saw westerly over certain delightful hills." More conclusive in its bearing is the following phrase from the same account: "They had here a pleasing but dreadful sight to see Mts. and Hills piled one upon another." Here is an unmistakable instance of admiration for the grand, the awful—"pleasing but dreadful" is precisely the note of romanticism—and an illustration the more striking because it is the only one which the present writer has discovered in seventeenth-century descriptions of America.

Early in the eighteenth century another instance occurs, again a sporadic one, but explicit. Passages from Col. William Byrd's *History of the Dividing Line run in the Year 1728* clearly show that that vivacious writer shared the modern spirit. First, as to the admiration of mountains. "The smoke continued still to veil the mountains from our sight, which made us long for rain, or a brisk gale of wind, to disperse it. Nor was the loss of this wild prospect all our concern." "In the afternoon we marched up again to the top of the hill to entertain our eyes a second time with the view of the mountains, but a perverse fog arose that hid them from our sight." "In the evening a brisk northwester swept all the clouds from the sky, and exposed the mountains, as well as the stars, to our prospect. That which was the most lofty to the southward . . . we called the Lover's Leap." Perhaps even more striking exhibitions of the modern spirit will be thought to lie in the two extracts which follow: "The Irvin runs into the Dan about four miles to the southward of the line, and seemed to roll down its waters from the N.N.W. in a very full and limpid stream, and the murmur it made, in tumbling over the rocks, caused the situation to appear very romantic and had almost made some of the company poetical, though they drank nothing but water." "As we passed along, by favor of a serene sky, we had still, from every eminence, a perfect view of the mountains, as well to the north as to the south. We could not forbear now and then facing about to survey them, as if unwilling to part with a prospect which at the same time, like some rake's, was very wild and very agreeable." This last phrase, whimsically as it

is framed, is of precisely the sort we are seeking, strangely as it sounds from a contemporary and friend of Pope.

Let us return to Burnaby. Travelling through the middle settlements of America in 1759 and 1760, he writes of the Blue Ridge, "When I was got to the top, I was inexpressibly delighted with the scene which opened before me." He speaks of the Shenandoah as "exceedingly romantic and beautiful." To quote further: "I could not but reflect with pleasure on the situation of these people, and think if there is such a thing as happiness in this life, that they enjoy it . . . they are everywhere surrounded with beautiful prospects, sylvan scenes, lofty mountains, transparent streams, falls of water, rich vallies and majestic woods." Pownall's *Topography of the Middle Colonies of North America* is equally unmistakable in its language. "The general Face of the country when one travels it along the Rivers through parts not yet settled, exhibits the most picturesque Landscapes that Imagination can conceive, in a variety of the noblest, richest Groupes of Wood, Water and Mountains."

From the Revolution on, there is little doubt of the general existence of the new sentiment in the cultivated American mind. If it were not impossible to fix upon a definite date for the beginning of movements in the history of mind, one would be tempted to select the years from 1780 to 1785 as the time when this new spirit of admiration for wild and romantic scenery became fully established. Before this, its manifestations had been exceptional; henceforth they are abundant in the writings of both natives and foreigners. Many of the foreign travellers of this period were Frenchmen, and it is perhaps to be expected that they would be among the first to exhibit this tendency. Chastellux's expression (1780-1782) is characteristic: "all this apparatus of rude and shapeless Nature, which Art attempts in vain, attacks at once the senses and the thoughts and excites a gloomy and melancholy admiration." Smyth's *Tour in America* (1784) shows the new tendency even on its title page, "An account of the present situation of the Country . . . Mountains, Forests, Rivers, and the most beautiful, grand and picturesque Views throughout that vast Continent." If no date were given for the publication of the book this title-page would almost prove that its date was not earlier than the latter half of the eighteenth century. The heading of one of the chapters is: "Description of a most extensive, grand and elegant perspective. Ideas raised in the mind." Before this time most travellers in America had not been burdened by ideas raised in the mind by the scenery.

More interesting to the present purpose, no doubt, are the ex-

pressions of American observers in these years. Take, for instance, Jefferson's remarks on the Natural Bridge, in his *Notes on Virginia* (1781-1784). He declares it "the most sublime of Nature's works." "It is impossible," he says, "for the emotions arising from the sublime to be felt beyond what they are here: so beautiful an arch, so elevated, so light, and springing as it were up to Heaven. The rapture of the spectator is really indescribable." The Reverend Archibald Alexander, who as a youth visited it about 1789, speaks of it as exciting in him "an emotion entirely new," "a genuine emotion of the sublime;" and adds, "I never saw one of any class, who did not view the object with considerable emotion." Evidently the taste for such scenery was becoming endemic.

If we turn again to the White Mountains, so little thought of in colonial times, we find the *Belknap Papers* of 1784 a mine of suggestion. In his diary of this year (July 28) Dr. Belknap says of a meadow in the Notch, "This meadow, surrounded on all sides with mountains, some of them perpendicular, is a singularly romantic and picturesque scene." Again, in describing the Notch, he calls it "a most sublimely picturesque and romantic scene." We have already noticed in Smyth's *Tour* a reference to "ideas raised in the mind" by the scenery. This suggestion of a psychological effect we find still more pronounced in Dr. Belknap's descriptions. "These beauties of nature gave me inexpressible delight. The most romantic imagination here finds itself surprised and stagnated. Everything which it had formed an idea of, as sublime and beautiful, is here realized. Stupendous mountains, hanging rocks, chrysal streams, verdant woods, the cascade above, the torrent below, all conspire to amaze, to delight, to soothe, to enrapture; in short to fill the mind with such ideas as every lover of Nature and every devout worshipper of its Author would wish to have." He thinks that "a poetic fancy may find full gratification amidst these wild and rugged scenes, if its ardor be not checked by the fatigue of the approach;" but would caution the observer to "curb the imagination and exercise judgment with mathematical precision, or the temptation to romance will be invincible."

John Eliot, writing to Dr. Belknap, says: "Brother Cutler is romantic in his description, as well as you, in the short touch you gave me in your letter." It was during this year, 1784, that the Reverend Manasseh Cutler, in company with several others, made the first scientific expedition to the White Mountain region, and one is not surprised to find in his journals such memoranda as: "we had here a grand view of ranges of mountains . . . arising one

above another ;" "the country to the north very mountainous, and its appearance has a most noble effect."

In the closing decade of the century there is no dearth of expressions of admiration for the picturesque and romantic ; indeed they are so common as to give the impression of their being somewhat of a "fad" at the time. Dr. Thomas Cooper, in his *Some Information respecting America* (1794), in describing the mountain scenery of Pennsylvania, says : "It is impossible to pass this part of the journey without being struck with the perpetual succession of beautiful and romantic situations, numerous and diversified beyond what any part of England can supply within my recollection." A lesser person, a certain James Elliot, who is described on the title page of his *Poetical and Miscellaneous Works* as "a citizen of Guildford, Vermont, and late a non-commissioned officer in the legion of the United States," has left sketches of the Whisky Insurrection in Pennsylvania in 1794, in which he finds time to describe the scenery as well as the movements of the militia ordered out to oppose the rioters in the western counties. One entry in his diary tells us that at Harrisburg "the traveller has a very picturesque prospect of a lofty ridge of the Blue Mountains." Another entry three weeks later describes the passage of the mountains. "The Sun had risen about an hour before we moved this morning. Began to ascend the mountain and after a fatiguing march of two or three hours reached the summit, where a prospect inexpressibly grand presented itself to our view. To the north, south and west appeared a little world of mountains, arrayed in all the majesty of nature and destitute of a single sign of art or cultivation." This last could hardly be improved upon as an example of the romantic or modern way of looking at natural scenery. In a sketch of a summer passage up the Ohio, he speaks of the scene as "indescribably beautiful and romantically picturesque," and describes the western part of America as abounding "in picturesque situations and beautiful landscapes."

Graham's *Letters* (1797) speaks enthusiastically of the "romantic scenery" of Vermont. "More picturesque . . . situations for building upon can scarcely be conceived, than those formed by the curvatures of the water along this delightful shore . . . and here let me observe that the most romantic imagination can scarcely conceive anything more commanding than the scenes many of these settlements present to the view." Yet only fourteen years earlier Charles Varlo, in his book called *Nature Displayed*, had said of this same region : "The country of Vermont is a very barren mountainous rough country and thinly inhabited. . . . Indeed it is a very disagreeable country either to travel through or live in."

The *Travels* of President Dwight (1797, 1803) show the love of romantic scenery fully developed. It is hard to choose from such a wealth of material, when almost every page of the description of the White Mountains abounds in expressions of admiration for their rugged grandeur. "Mountains in immense ranges, bold spurs and solitary eminences . . . are everywhere dispersed with delightful successions of sublimity and grandeur." Former travellers had carefully avoided the region because of the mountains; Dr. Dwight says, "The scenery in the Notch of the White Mountains . . . was one of the principal objects which had allured us into the region." He is impressed by the "wild and solemn appearance." He personifies the "hoary cliffs" which, "rising with proud supremacy, frowned awfully on the world below." He speaks of the "sprightly murmurs" of the cascade, of the "wild, tumultuous and masterly workmanship of nature," and of her "wild and awful majesty." It would be impossible to find more conclusive evidence of admiration for the romantic in nature than expressions such as "The eye finds here everything which can gratify its wishes for rude, wild and magnificent scenery;" "The scene excelled every conception which they had hitherto formed of awfulness and grandeur;" "bidding adieu, therefore, to the singular combination of wild and awful magnificence, we set out on our return."

We have traced the development of the love of romantic scenery among travellers; a glance at the poets of the eighteenth century will show that its development was certainly not earlier among them. There was no lack of what was called poetry before the Revolution, but it reveals little or no love of romantic scenery. There were poems to Phyllis, Daphne and Amanda, verses political and patriotic, metaphysical and religious, elegies and satires; but poems in praise of nature were few, unless of a much-adorned and cultivated nature in the form of "groves and fertile lawns," of "purling rills" and "prattling streams." It is distinctly the "pleasing landscape" and

"the lawn

Beaut'ous at morn, at noonday and the dawn;  
Rural shades and groves e'er attract the mind,  
And lead the thoughts to those things that's divine."

A poem read at the Yale commencement of 1784 speaks of Niagara, but as the

"stupendous Niagarian falls  
Which to behold the affrighted heart appalls,"

with no sign of pleasure. Early visitors to the falls speak of them in much the same way. Father Hennepin (1697) describes them

as a "vast and prodigious cadence of water, which falls down after a surprising and astonishing manner, in so much that the universe does not afford its parallel." The feeling aroused is one of wonder rather than of admiration and pleasure.

As late as 1797, Josias Arnold, tutor in Rhode Island College, published a collection of poems from which a stanza may be quoted to show the old feeling as to romantic nature still surviving.

"Where ancient forests their tall branches bend,  
And o'er the wild a horrid gloom extend,  
There shall appear a variegated scene,  
Of fields and gardens in perennial green."

On the other hand, before the close of the Revolution the new feeling for nature in her more majestic moods begins to find poetical expression, as, for instance, in a poem read at the Yale Commencement in 1781,

"What various grandeur strikes the gladdening eyes;  
Bays stretch their arms and mountains lift the skies,  
And all the majesty of nature smiles."

More distinctly of the sort we are seeking, an inscription to *The Prospect of America* (1786) speaks of

"Those deep forests, where the eye is lost,  
With beauteous grandeur mingling in the sight;  
All these conspire to give the soul delight."

Barlow's *Vision of Columbus* (1787) shows a still more marked love of romantic scenery. The poet sings of the "majesty of nature," of her "nobler prospects" and "sublimest scenes," of the hills "that look sublime o'er Hudson's winding bed."

"A dread sublimity informs the whole,  
And wakes a dread sublimity of soul."

The writer of a *Rhapsody*, published in 1789, exclaims:

"How oft, delighted with the wild attire  
Of nature, in her recesses, thro' scenes  
Like these, in roving childhood have I strayed,  
Aw'd with the gloom and desert solitude  
That environed me . . . . .  
There is a rude disorder in these wilds,  
A native grandeur, that, unaffected  
By the touch of art, transcends its graces,  
And strikes some finer sense within the soul."



Quite Wordsworthian is this point of view, and far removed from that of the admirer of "purling rills" and "verdant lawns." One more illustration may be taken from poems published in 1792 by a Mr. Edwards:

. . . "where sublime  
Yon wond'rous mountains rise, whose shaggy sides  
Invests th' ethereal azure and whose brows  
Th' eternal vapour shrouds. Great Nature there  
Reigns in dread majesty and unshorn strength.

. . . . .  
Musing, I wander, and admiring trace  
Old ocean's abdicated Empire there."

The writer of an essay on poetry, published in 1795, says, "Almost every person is delighted with the prospect of Nature. The sublimity of the heavens, the towering mountain, the unfathomable and wide extended ocean, the blooming gardens and level vallies inspire the mind with elevation and contemplative reflection." The author of the *Poetical Wanderer*, which appeared the next year, 1796, writes, "Everyone is sensible of the impression made by viewing the sublime objects of nature. . . . The blazing sun, the spacious firmament, the spangled heavens, the towering mountains, variegated landscapes, the expanded ocean, are all grand and beautiful and we contemplate them with delight." The quotations are significant, for by the words of contemporary writers they show that the love of the romantic and grand in nature was no longer an undeveloped element of American character.

Recurring to the questions suggested at the beginning of this article, we may certainly conclude that the change of mind, in America also, came about within a definitely limited time, and namely, so far as most instances show, at about the time of the Revolution. That it was spontaneous or indigenous will not be thought to have been so clearly proved, yet it is not without evidence.

MARY E. WOOLLEY.

## THE CAUSES OF KNOW-NOTHING SUCCESS IN MASSACHUSETTS

It was a strange spectacle that American politics presented on the morrow of the November elections in 1854. The time-honored parties found that they had been grappling in the dark with an unknown antagonist and that they had been terribly worsted. A wave of Know-nothing victory swept through the North. In nine states it elected governors; it filled the legislatures with new men; in the national House of Representatives a majority was claimed by the believers in the new dispensation, and the Senate was not without witnesses to their faith.<sup>1</sup>

When the air had again become clear those who had been blind to the new order's rise found that they had been vanquished by a native American organization akin to the earlier nativist parties, but now decking itself out with the ever popular ceremonials of a secret order.<sup>2</sup> Its oath-bound members took for their leading principle the defence of American institutions from the dangers to which they deemed them exposed at the hands of men of alien birth and of Roman Catholic creed.<sup>3</sup>

<sup>1</sup>J. P. Hambleton, *A History of the Political Campaign in Virginia in 1855*, p. 144. Speech of Henry A. Wise.

<sup>2</sup>There had been periodic ebullitions of nativist ardor. Thus in John Adams's administration it was shown in the passage of the Alien and Sedition Acts and in the lengthening of the naturalization term to fourteen years. In the Hartford Convention it was clearly evidenced in the sixth resolution: "No person who shall hereafter be naturalized shall be eligible as a member of the Senate or House of Representatives of the United States or capable of holding any civil office under the authority of the United States." Twenty years had not passed before it broke out in riot and convent-burning in Massachusetts. A few years later followed the rise and decline of the Native American party, accompanied by not a little rioting and bloodshed in Philadelphia.

<sup>3</sup>It is the aim of this paper simply to analyze the conditions which made possible the phenomenal success of Know-nothingism in Massachusetts. It therefore touches only incidentally upon the history of the movement and upon the distinctive principles of those whose devotion to the order was genuine and disinterested. The following planks from the American Party's platform in 1856 may serve as a brief summary of Know-nothing principles: "3. Americans must rule America, and to this end native-born citizens should be elected to all state, federal and municipal offices of government employment in preference to all others. . . . 5. No person should be selected for political station whether native or foreign-born who recognizes any allegiance or obligation of any description to any foreign prince, potentate or power, or who refuses to recognize the federal and state constitutions (each within its sphere) as paramount to all other rules of political action. . . . 9. A change in the laws of naturalization making a continuous residence of twenty-one years an indispensable requisite for citizenship hereafter." Stanwood's *History of Elections*, p. 195.

In one form or other the entire separation of church and state, the use of the Bible in schools and the prohibition of the use of public funds for sectarian schools were usu-

In no other state was the victory so overwhelming as in Massachusetts. In the years since the rise of the Free Soil party there had been no choice of governor by the people. But this Know-nothing nominee received a clear majority of nearly 33,000 over all opponents. Sixty-three per cent. of the total vote was cast for this candidate of a secret society. In the new senate every member was a Know-nothing; in the house the roll included one Whig, one Democrat, one Free Soiler, and 376 Know-nothings. In the legislature, thus, the combined opposition constituted less than one per cent. Nor was this supremacy confined to a single year. In 1855 and 1856 this Know-nothing governor was re-elected and in both these years the "Americans" were credited with a majority in each house of the legislature.<sup>1</sup> Hardly had the legislature assembled in January, 1855, when it made haste to elect a Know-nothing, Henry Wilson, to fill the vacancy in the United States Senate. In the congressional delegation Know-nothings were in the majority, and the long contest over the speakership resulted in the election of a Massachusetts Know-nothing. In the early national conventions of the order no leaders were more prominent than those from the Bay State, and for the presidency no one was at first considered a more available candidate than the Know-nothing governor of Massachusetts. In view of the unparalleled victory which the Know-nothings won at home, of the influence swayed by her representatives in Congress, and of the dominant part played by her leaders in the national councils of the organization, it would seem that Massachusetts stood in the fore-front of Know-nothing commonwealths.

ally insisted upon. After 1855 no attempt was made to conceal the constitution of the order. Copies of the Springfield platform (August 7, 1855), which placed the Massachusetts State Council upon an anti-slavery basis, may be found in the library of the Worcester Society of Antiquity, Worcester, Mass.

Among the best sources of information as to the general movement are the following: *The Origin and Progress of the American Party in Politics*, by John Hancock Lee, Philadelphia, 1855; *Sam, or the History of a Mystery; A Defence of the American Policy*, by Whitney; *A History of the Political Campaign in Virginia in 1855, together with the Life of Henry A. Wise*, by J. P. Hambleton; *Sons of the Sires, including a Reply to the Letter of the Hon. Henry A. Wise against the Know-nothings*. The pamphlet material is very copious; the Winthrop collection in the library of the Massachusetts Historical Society is especially rich. For local phases of the subject the newspapers, of course, furnish the most valuable material. What purport to be authoritative accounts of the oaths, rites and ceremonies of the order were published in the *Richmond Examiner* (quoted in the *Boston Daily Advertiser*, Aug. 19, 1854), and in the *New Haven Register* (quoted in the *Worcester Palladium*, Dec. 6, 1854). The writer of the present paper has investigated the history of the order in Worcester, Mass. (*A Chapter from the Local History of Know-nothingism*, New England Magazine, Sept., 1896) and the career of the Massachusetts legislature of 1855 (*ibid.*, March, 1897; Report of the American Historical Association for 1896).

<sup>1</sup> *Boston Almanack*, 1854, 1855, 1856, 1857.

No such far-reaching political upheaval, however sudden, is entirely unheralded, nor can it come until causes, adequate although perhaps unseen or obscure, have prepared its way. Within the several states the historian will find that much the same causes were at work, but modified—here strengthened, here weakened relatively to one another—by the peculiar local conditions of race or of creed, of social or of economic relations.

In explaining the tremendous upheaval which Know-nothingism occasioned in Massachusetts, vague as the suggestion may at first seem, no slight weight is to be attributed to close-drawn notions of citizenship inherited from pious forefathers. In recent years with eager zeal historians have been defending the founders of the Plymouth and Massachusetts Bay colonies against any imputation of intending to establish in the new world liberty of conscience as we know it to-day. Such a charge those worthies would have repelled with righteous indignation. In reality their ideal of government was a theocracy; to realize this ideal was the chief end of the citizen. The thought of an absolute separation between church and state would have seemed no less than impious. The "freemen," enjoying the full rights and privileges of citizens, constituted a close corporation for admission to which church membership—not membership of a church, but of the church of the colony leaders—was the essential qualification.<sup>1</sup> Even for admittance to the minor privileges of an "inhabitant" the candidate was narrowly scanned from the point of view of the orthodox church member. To the petitions of the unenfranchised and to the demands of the king's commissioners for the liberalizing of these conditions of citizenship the Massachusetts "freemen" offered a resistance so stubborn that it well-nigh forfeited their charter. Only after years of controversy, and then only under the stress of necessity, were the restrictions relaxed. But unconsciously not a little of this old theocratic theory

<sup>1</sup> 1631, *Records of the Massachusetts Bay Colony*, Vol. I., p. 87. 1636, *ibid.*, p. 168. November 30, 1635, the Boston freemen voted that no further allotments of land should be made to any newcomers "but such as may be likely to be received members of the congregation." *Rec. Comm. Report*, II., Bos. Rec., 1634-1660, p. 5. Although the Plymouth colony had no church membership test upon its statute books, in practice its equivalent was insisted upon. Thus in 1639 the General Court censured the town of Sandwich because of the remissness of its committees "in receiving into the town many inhabitants that are not fit for church society" and made the admittance of all inhabitants in future conditional upon the approbation of the pastor of the church. *Plym. Col. Rec.*, I. 134, 153. In 1675 it was enacted, "for the preventing of profaneness increasing in the colony which is so provoking to God, and threatening to bring judgments upon us," that improperly admitted inhabitants should be warned out of the colony and fined five shillings a week if they did not speedily heed the warning, "hoping the court will be carefull; that whom they accept off; are persons orthodox in their judgments." *Ibid.*, XI. 248. *Representation and Suffrage in Massachusetts* (Johns Hopkins University Studies), p. 74.

survived from generation to generation. Its savor can often be detected in the hill towns even to this day. And when, suddenly, in the middle of the century, tens of thousands of aliens, most of them of Roman Catholic faith, came clamoring at our doors for speedy admittance to citizenship and to full political privileges, it is small wonder that the apprehensions of the sons of the Puritans were profoundly stirred.

Again, Massachusetts found herself confronted by perplexing problems that demanded prompt solution. Strangely neglectful of obvious facts seems Von Holst's statement, in discussing the rise of Know-nothingism, that "nothing had happened specially to attract attention to the immigrant and Catholic questions at this time."<sup>1</sup> For the forty years following the peace of 1815 the tide of immigration rose gradually. It was not until the famine summer of 1847 that the immense acceleration came which for the first time gave this country an immigrant problem.<sup>2</sup> In that single year the number of immigrant arrivals makes a leap of 80,000. Taking the figures of the year 1844 as a standard of comparison, they are multiplied by three in 1847, by four in 1850 and by five and one-half in 1854, the year when the Know-nothings began their political career. This year, 1854, marks a high-water point, 427,833, of the immigrant flood;<sup>3</sup> in the next decade only once did the figures rise within 200,000 of this maximum; it was not exceeded until 1873, and not until 1880, more than a quarter of a century later, did the regular tide of immigration overpass this mark. Still more striking, in some respects, are the figures of emigration from Great Britain and Ireland to the United States, which show that three-fourths of the astonishing leap in the figures of 1847 was due to the outflow from the United Kingdom.<sup>4</sup> This tide of emigration reached its flood in 1850, when it stood six times as high as in 1844. In the earlier years the stream had set toward Canada, but the famine hardships on English vessels and the heavy head-money exacted by Canada, together with a growing popularity of the United States, served to turn the stream to our shores.<sup>5</sup>

Next to New York, no other city except New Orleans rivalled

<sup>1</sup> *Constitutional History of the United States*, V. 117.

<sup>2</sup> E. E. Hale, *Letters on Irish Immigration*, 1852, p. 10.

<sup>3</sup> Kennedy, *Abstract of the Eighth Census of the United States*, pp. 13, 14. Not without interest are the figures by decades:

1830-40	552,000
1840-50	1,558,300
1850-60	2,707,624.

<sup>4</sup> *Report of British Emigration Commissioners*, 1861, quoted in *United States Census 1860, Population*, p. 43.

<sup>5</sup> E. E. Hale, *Letters on Irish Immigration* p. 11.

Boston as a port of entry for the immigrants.<sup>1</sup> The dominant nationalities among the newcomers were the Irish and the German.<sup>2</sup> No direct steamship lines connected Boston with the German ports and hence this stream was diverted from New England.<sup>3</sup> Nearly all the Boston steamships sailed from Liverpool, bringing therefore, for the most part, Irish immigrants who were almost to a man Roman Catholics. Although the Irish element in the total volume of immigration was outstripped by the German after 1851, this changed ratio was not noticeable in Massachusetts, where the vast bulk of the immigrants continued to be Irish and where but few Germans were to be found.<sup>4</sup>

The previous industrial development of Massachusetts seems to have been somewhat as follows: In the period from 1765 to 1790, notwithstanding the evils of the war, population spread over the sparsely settled western sections of the state and increased faster than during any equal period in the next half-century. They found plenty of unoccupied land and upon this they settled as farmers. During the next thirty years, 1790 to 1820, almost all of the land available for agriculture having been taken up, the surplus population emigrated to the frontier states and the increase of population was comparatively slight. In the next twenty years, 1820 to 1840, the number of inhabitants increased in much larger proportion. Emigration to the West was checked. The encouragements to manufacturing enterprises retained the population more and more at home. During this period the manufacturing class increased 154.50 per cent., while the agricultural class increased but 38.41 per cent., and even this gain was in the vicinity of thriving commercial or manufacturing towns. Indeed, it is hardly too much to say that the increase of population was wholly owing to the growth of manufacturing.<sup>5</sup> It may be doubted if there was any more agriculture, properly so called, in 1840 than twenty years earlier.

The logic of physical geography was working against it. With

<sup>1</sup> *Eighth Census of the United States*. Custom House Returns.

<sup>2</sup> In 1853, out of a total immigration of 368,643 persons, 161,481 were of Irish birth, 140,635 of German, 30,353 of English, and 10,770 of French. *Report of Secretary of State*, quoted in *Boston Daily Advertiser*, September 1, 1854.

<sup>3</sup> Scanty data would warrant an estimate that at New Orleans three Germans arrived for every Irishman. *Boston Advertiser*, June 2 and 5, 1854.

<sup>4</sup> *Boston Advertiser*, June 2, 1854. The relative rates of German and Irish immigration were as follows:

	1849	1850	1851	1852	1853	1854 (five months).
Irish	112,691	116,582	163,256	115,537	113,164	17,649.
German	55,705	45,402	69,882	118,126	119,644	44,248.

<sup>5</sup> Jesse Chickering, *Statistical View of the Population of Massachusetts, 1765-1840*, pp. 41-2. 88 of the principal manufacturing and commercial towns aggregated an increase nearly equal to that of the whole state. Their rate of increase was 79.62 per cent., that of the state 40.97, while the 213 towns which were mainly agricultural in character increased only 8.50 per cent. In the decade 1830-40, 89 towns actually decreased in population 11,812, or 9.55 per cent.



the improved means of transportation between the sea-board and the West, Massachusetts could no longer figure as a producer of agricultural staples. In the New England states between 1820 and 1850 the proportion of the population engaged in agriculture fell steadily and decisively; in the Middle States it fell and then rose, while in all other sections it was rapidly rising. Meantime, the relative number engaged in commerce was declining in New England, while gaining elsewhere except in the South.<sup>1</sup> During the same period Massachusetts' manufacturing population had increased six-fold. In no other state not subject to abnormal frontier conditions had the increase exceeded three-fold, and only New York surpassed Massachusetts in the absolute number of persons engaged in manufacturing enterprises.<sup>2</sup> And this development was bound to continue. In the years 1830 to 1860 the increase of population in her manufacturing towns was on the average five times as great as the increase in the towns of the same counties not so prominently engaged in manufacturing.<sup>3</sup>

In the middle of the century, with the single exception of Rhode Island, the growth of white population was going on in no one of the older states more rapidly than in Massachusetts. In 1840 Massachusetts had been more densely populated than any other state in the Union, and during the next decade she gained 33 per square mile, while Rhode Island gained only 29, and in no other state did the gain exceed 14.<sup>4</sup> Such a gain is the more remarkable from the fact that few of the states were contributing more of their sons as pioneers in developing the West. In 1850 there were nearly one-third as many natives of Massachusetts residing in other states as there were still remaining within her own borders.<sup>5</sup>

To a community thus rapidly growing and adjusting itself to an entirely new industrial system immigration brought perplexing prob-

<sup>1</sup> DeBow, *Statistical View of the United States; Compendium of the Census of 1850*, Table CXXXI., p. 129. Commerce was gaining in Massachusetts, but not enough to offset the relative decline in New England.

<sup>2</sup> New York 199,349; Massachusetts 165,938. Their populations were in the ratio 3:1. Ibid., Table CXXXII.

<sup>3</sup> *Abstract of Census of Massachusetts, from the Eighth United States Census*. For example:

Bristol County increased . . . . .	89.13%	Worcester County . . . . .	89.27%
7 manufacturing towns increased . . . . .	164.42%	16 manufacturing towns . . . . .	196.20%
All other towns . . . . .	10.12%	All others . . . . .	28.27%
Aggregate increase in the State . . . . .	101.67%		

<sup>4</sup> The rise is from 94.58 to 127.50. *Compendium of United States Census, 1850*, p. 40, Table XII. During the next decade 30.33 was added to the population per square mile, Massachusetts leading the New England states for this decade, and for the whole period 1790-1860. During this same decade Massachusetts rose from eighth to sixth place in point of population among the states. Kennedy.

<sup>5</sup> De Bow, *Statistical View of the United States*.



lems. By reason of the not inconsiderable native emigration to the frontier, coupled with the more rapid increase of the foreign-born and of their children, the alien population was making large gains upon that of native stock. In five years, 1850-1855, the proportion of the foreign-born to the total white population rose from 16.60 to 21.79 per cent.<sup>1</sup> Moreover this immigration was almost exclusively of a single nationality. In 1850 in the United States natives of Ireland constituted 43.04 per cent. of the alien population, but in Massachusetts the percentage was 71.41, and, notwithstanding the rapid falling-off in general Irish immigration after 1854, the percentage in Massachusetts had sunk only to 71.28 in 1860, 15.06 per cent. of the total population having been born in Ireland.<sup>2</sup> That this state's foreign-born population was so overwhelmingly Irish modified the problem very materially. In the first place this element was almost unanimously and with ardent loyalty attached to the Roman Catholic church. Early in the century this denomination had but slight hold in Massachusetts, but in 1850 she had become the sixth state in the number of its church accommodations and the seventh in the value of its church property.<sup>3</sup> In the second place, the predominance of Irish immigrants meant a more settled drift toward the cities, for in this respect there was a noticeable contrast between the Irish and the Germans.<sup>4</sup> These were the years of the phenomenal growth of urban communities, especially of manufacturing centres.<sup>5</sup> It was in the larger cities that the Irish found their most congenial quarters. Boston statistics showed that after 1845 the entire population either increased very slowly or else positively decreased, while the foreign-born advanced at giant strides and soon outstripped the native.<sup>6</sup> Among the coun-

<sup>1</sup> In 1850, with the exception of New York and Louisiana, no other states except those on the frontier had so high a ratio. De Witt, *Abstract of Massachusetts Census*, pp. 118, 231-2.

<sup>2</sup> *Abstract of the Census of Massachusetts. United States Census*, p. 335.

<sup>3</sup> *Ibid.*, pp. 40, 136.

<sup>4</sup> In 1850 39.76% of the Irish-born residents of the United States lived in large cities, as contrasted with 36.43% of the Germans. DeBow, p. 128.

<sup>5</sup> Ten cities were incorporated between 1846 and 1854. In a single decade, 1850-1860, six of these thriving towns increased at rates varying from 100 to 126.67 per cent.; two between 75 and 100 per cent., while twenty more made a gain of from 50 to 75 per cent.

<sup>6</sup> De Witt, pp. 231-6. Children of foreigners, under 21 years of age, are here classed as to nativity with their parents:

Years.	Population.		Percentage.		Increase.		Per cent. of Increase.	
	American.	Foreign.	American.	Foreign.	American.	Foreign.	American.	Foreign.
1845	77,077	37,289	67.40	32.60				
1850	75,322	63,466	54.27	45.73	-1,755	26,177	-2.27	70.20
1855	75,922	85,507	47.02	52.98	600	22,041	.80	34.73

ties the immigrants were distributed very unevenly. In Suffolk County, of which Boston comprised the principal part, there were 67 of the foreign-born to every 100 natives. In Middlesex and Norfolk the proportion was about one in four, in Worcester one in five. To our modern thought these figures do not seem startling, but it is to be borne in mind that most of the people then living remembered Massachusetts as a community principally engaged in farming, and peopled almost entirely by natives.

The fact that the Irish immigrant was rapidly becoming more and more in evidence aroused a two-fold anxiety which speedily developed into a two-fold prejudice against him. What was to be his part in politics? His training in self-control at home had not been such as to make him a devotee of order and an upholder of government. What result might be expected from his transplanting? How would he vote on the "Maine" law? What stand would he take on the then much-mooted question of the basis of representation? Would he attack the public school in the interest of his church? As it became apparent what a make-weight the Irish vote might become, and that the alien vote was increasing in Boston twelve times as fast as the native vote, it became a serious question whether the existing naturalization laws were not inadequate in substance and too lax in enforcement.<sup>1</sup> The question became the fruitful theme of much Know-nothing oratory during the next few years, but the resulting legislation was neither important nor consistent.<sup>2</sup> No evidence is to be found that the immigrant

<sup>1</sup> In Boston in 1845 out of 9,763 adult males of foreign birth only 1,623 were naturalized. (De Bow.) In 1850, though the proportion of foreign to native born was about one-half, they polled only one-eleventh as many votes. (Ibid. and *Boston Daily Bee*, November 1, 1853.) But between 1850 and 1855 while the native voters in Boston increased 14.72 per cent., the foreign-born voters increased no less than 194.64 per cent. (Dr. Josiah Curtis, quoted by De Witt, p. 236.) As the qualifications for the suffrage required in addition to United States citizenship only a residence of one year in the state and of six months in the voting area, with the payment of a poll-tax, any laxness in the naturalization laws or in their enforcement reflected itself speedily at the polls.

<sup>2</sup> In 1848 an act of Congress had dispensed with the requirement that the five years of residence should be continuous (30th Congress, ch. 72, amending ch. 42 of 1813). The preliminary declaration of intention to become a citizen might be made in the police courts, and the final taking of the oath of allegiance and admittance to citizenship might take place before the Courts of Common Pleas of the Commonwealth. The feeling that there was altogether too much laxness both in the laws and in their administration reflected itself in the act of February 27, 1855, which made it not lawful for any court established by the laws of the Commonwealth to entertain any jurisdiction over the naturalization of aliens. Two months later (April 18, 1855), a resolution of the Massachusetts legislature urged Congress to take action in the direction of restricting naturalization to federal courts. An act of March 13, 1856, restores jurisdiction over naturalization to the Supreme Judicial Court and the Courts of Common Pleas (called Superior Courts since 1858). See also ch. 47, laws of 1856, and ch. 44, 1858. It must be confessed that much of the debate over the law of 1855 turned upon the question who should receive the fees, the clerks of the federal or of the state courts. *Boston Advertiser*, February 20, 1855.

vote was ever marshalled for the support of any distinctively class legislation either favoring immigrants or for the behoof of the Roman Catholic Church. But with a loyalty that rarely wavered,<sup>1</sup> the Irish vote went solidly to the Democrats and for the first time in many years gave them a fighting chance in the struggle with the Whigs, who had come to consider the state theirs by prescriptive right. Again and again the choice of governor was thrown into the legislature. To the rank and file of the Whigs the mere fact that the working of naturalization and suffrage laws was such as to strengthen their opponents to the point of imperilling Whig success carried with it, doubtless, the conclusion that the welfare of the state was seriously endangered.

Hardly less pronounced, though certainly even less well grounded, than the fear of the immigrant as a voter was the prejudice against him as a wage-earner. There was complaint of low wages; yet in 1850, in the five classes of labor investigated for the census, the average wages in Massachusetts were invariably higher than in any other state except where abnormal rates are to be accounted for by inflation, as in California, or by the scarcity of skilled labor, as in the slave states.<sup>2</sup> Nor were living expenses correspondingly high; so far as these figures go their showing is distinctly to the advantage of the Massachusetts wage-earner. Unfortunately statistics were not compiled from the factory industries in which the greatest proportion of her laborers were coming to be employed. The rank and file of the laboring class proved themselves devoted believers in the wage-fund theory. That labor was daily creating the product from which it was paid they overlooked in their jealous watching of the throng of newcomers who were to share with them the wage-fund. That these thousands of the foreign-born could find places in industry without crowding out their betters did not occur to them and that that very jostling was gradually raising the level of the native wage-earner was a philosophy quite too deep for "practical" men.<sup>3</sup> In the rapidly growing factory industries the

<sup>1</sup> Almost the only instance was in 1853, when the Whigs succeeded in so splitting the Irish vote as to ensure the defeat of the revised constitution which had been the work of the coalition convention. *Worcester Palladium*, August 23, 1854.

<sup>2</sup> *Compendium of United States Census*, 1850, Table CLXXV, p. 164.

<sup>3</sup> "They (the Irish immigrants) do the manual labor. It does not follow that natives who must otherwise have performed it, do nothing or starve. They are simply pushed up into foremen of factories, superintendents of farms, railroad agents, machinists, inventors, etc." "Manual labor forms the basis of your pyramid." "Exclude your foreign population and your whole fabric sinks. You find you have still men at hard and loathsome labor. They are now your own sons. You have lost what you had; the highest results of your civilization. For every grade descended when you moved the lowest grade away." Edward Everett Hale, *Letters on Irish Immigration*, 1852. Forty years later Hon Carroll D. Wright, United States Commissioner of Labor, described the part played by

workmen were developing a strong class feeling. The Irishmen were becoming disagreeably numerous. The native "hands" did not like them and did not propose to work with them if they could help it. This combined race-antipathy and craft-jealousy contributed in large measure to swell the ranks of Know-nothingism in the Bay State.

The geographical position of Massachusetts exposed her to an unusually high tide of immigration; her peculiar stage of industrial development made the problem the more difficult; but it was by blunders in legislative attempts to deal with the problem that the most disagreeable aspects of immigration were brought home with exceptional force to her people. So puzzling became the questions arising in connection with this influx that as early as 1848 a law provided for the appointment of a Superintendent of Alien Passengers whose duty it should be to inspect all immigrants before allowing them to land.<sup>1</sup> For any alien passenger who seemed likely to become a public charge he was to require from the ship-owner or master a bond to the Commonwealth in the sum of \$1,000 that the aforesaid immigrant should never become a burden to any city or town in the state. Persons whom from the evidence he deemed unlikely to become a public charge he might allow to land on payment to him for the Commonwealth of two dollars for every person so landed.<sup>2</sup>

Not many months of the flood of immigration were needed to show that Massachusetts had not yet blundered into an effective system of dealing with her paupers. In 1852, with a population of just about a million, it was estimated that in the last seven years 133,826 persons had arrived from abroad, while New York, with a population of three millions, had received a million immigrants during the same time. Yet Massachusetts found it necessary to support a number of foreigners more than three-fifths that of New York.<sup>3</sup> This glaring disproportion was partly due to differences in classification. But for the most part it was a real difference due to legislative blunders. The act of 1848 made the bond required of ship-owners, as a guarantee against the danger of the immigrant becoming a pauper, far more onerous in Massachusetts than in New York. The law thus defeated its own purpose; it encouraged the practice of landing in the Irish immigrants in almost the very same words. Lecture before Johns Hopkins University students in history and politics, February 6, 1891.

<sup>1</sup> Laws of 1848, chapter 313.

<sup>2</sup> Slight changes were made from time to time in this system. In 1851 a Commission in Relation to Alien Passengers was appointed, with instructions to inspect places where state paupers were maintained. Ch. 105, 1850; ch. 342, 1851. For other modifications see ch. 360, 1853; ch. 219, 1854.

<sup>3</sup> E. E. Hale, *Letters on Irish Immigration*, 1852.

New York immigrants bound for Massachusetts, and then transporting them thither by rail. In 1850 five thousand more immigrants entered Massachusetts than in 1849, but one thousand less came by water than in that year. An official report of the commissioners declares: "We are permitting our neighbors to take the bonds which are to indemnify their loss, while we are supporting the paupers; while at the same time we are diminishing the commercial operations of the state."<sup>1</sup> Statistics showed that the burden was not inconsiderable. In 1851 it cost Massachusetts nearly \$212,000 for the support of paupers having no legal residence in the state. Of the 10,267 who applied for such aid 8,527 were foreigners or born of foreign parents. From alien passengers only \$37,000 were received, while against this stood about \$10,000 as the expenses of the commission. Within a decade the costs of the state nearly trebled. The ratio of foreign paupers was increasing yearly. Not only was the burden heavy; it was so badly adjusted as to be a constant source of friction and ill-feeling between the state and the towns. In the early years after this increase of foreign-born paupers began to be marked, the state had no almshouse of its own; paupers having no settlement within the state were maintained in the almshouses of the several towns, especially of those along the seaboard, and for their support the state paid a shamefully inadequate sum.<sup>2</sup> Instead of a unified administration of state aid, the relief of these paupers was in the hands of 327 separate town boards, each feeling no responsibility to the state treasury, and trying to elbow the unfortunates on to neighboring towns.

In 1852 the legislature authorized the erection of three almshouses in different parts of the state, in which paupers having no legal town settlement might be decently maintained under systematic discipline.<sup>3</sup> Two years later these almshouses were opened and they

<sup>1</sup> Report of Joint Committee to the Senate, April 29, 1852, *Boston Advertiser*, May 8, 1852. See also lecture by Edward Everett, *The Discovery and Colonization of America and Immigration*, before N. Y. Hist. Soc., June 1, 1853, p. 30.

<sup>2</sup> A single instance will suffice to show the causes for dissatisfaction. During 1851 at the Cambridge almshouse were 522 paupers, only 80 of whom had a legal settlement in the Commonwealth. The state paupers numbered 252, of whom 235 were foreign-born, principally from England and Ireland. The average weekly cost of support at the Cambridge almshouse was \$1.75, but the state paid on the basis of 28 cents per week for a child of twelve years or under and 49 cents for an adult pauper, of twelve years or over. Of the annual expense of the almshouse, \$10,000, the state paid less than \$2,000, although the state paupers numbered at least five-sixths of the whole number supported. The labor performed amounted to only \$400, and all of this went to the state. *Cambridge Chronicle*, quoted in *Boston Advertiser*, January 28, 1852. For other similar facts, see the account of the overcrowding of the Boston Lunatic Hospital. *Boston Advertiser*, April 12, 1853.

<sup>3</sup> Report, April 29, 1852. *Boston Advertiser*, May 8, 1852.

accomplished not a little good.<sup>1</sup> An unjust burden was removed from the towns and sea-board cities ; moreover, the prospect of life under more rigid discipline and away from their favorite haunts persuaded large numbers of these public charges to make an effort to be self-supporting and it thus sorted out the really dependent from the impostors. But these two years were the very years of the origin and rapid spread of Know-nothingism, and, without question, to this outburst the rapidly increasing and as yet wretchedly adjusted burden of foreign pauperism in no small degree contributed. In every town whose almshouse was infested with paupers who did not properly belong there and for whose maintenance the state was contributing a mere pittance, each tax-payer must have been restive under the exactions inflicted upon him.<sup>2</sup>

The census returns brought out clearly some of the other grounds of the prevalent impatience with the immigrants. They showed, for example, that with the single exception of New York no other state was carrying a burden of foreign pauperism nearly so heavy as that which fell to Massachusetts.<sup>3</sup> Illiteracy and insanity, too, had evidently increased within the decade and were found to a disproportionately great extent among those of foreign birth.<sup>4</sup> Still more startling were the statistics of criminality. Of the 27,000 persons convicted of crime in the United States during the year ending June 1, 1850, more than half were from the ranks of the foreign-born, who then constituted only eleven per cent. of the total population. In Massachusetts they, though but 16.6 per cent. of the population, furnished 53.5 per cent. of the law breakers, an aggregate of 3884 foreign-born criminals, while no other state excepting New York exceeded 908 as its total of criminals, native and foreign.<sup>5</sup> Of course, much is to be said in qualification of the bad impression which these figures make. In the first place the apparent prevalence of crime in Massachusetts in a measure merely reflected the exceptionally active prosecution of crime. The more

<sup>1</sup> At Middlebury, Tewksbury and Monson. *Boston Advertiser*, July 15, 1854; March 24, 1855.

<sup>2</sup> From time to time the state government grappled with the problem. Head-money was tried ; an attempt was made to make railway companies responsible for the immigrants whom they brought into the state, and in various ways Massachusetts tried to shoulder off these unfortunates upon her neighbor states. Report of Alien Passengers Commission, reviewed in *Boston Advertiser*, May 19, 1855.

<sup>3</sup> *Abstract of the United States Census*. In Massachusetts the native paupers numbered 9,530, the foreign born, 9,247, the total expense being \$392,715. In Pennsylvania, with a population nearly two and a half times as great, the numbers were 5,898 and 5,653 respectively and the total expense \$232,138.

<sup>4</sup> De Witt, p. 246.

<sup>5</sup> *Abstract of the United States Census*, p. 29. According to the state census of 1855 the showing was somewhat improved; 45.70 per cent. of the "convicts" were of foreign birth. In Suffolk County their percentage was 64.



stringent a state's laws and the more rigorous their enforcement, the worse will its record show if tested merely by the number of convictions. Again, an increase of crime might naturally have been expected in a community which was so rapidly stumbling into urban conditions of life. It was a transitional stage of development to which traditional ratios could no longer apply. Even the excessive proportion of offenders against law among the foreign-born did not prove that they were necessarily bad material for citizenship. The mass of immigrants were living on the margin of subsistence; with little training in self-control, they had been suddenly removed from the traditional restraints of their native land. In getting acclimated to the freedom of the new environment it is small wonder that their record of offenses was a long one. But in the early 50's the average voter was in no mind to discount statistics or to reason out causes. Since the immigrants had so enormously increased in numbers the state had shown alarming symptoms. Just what disease they might portend he did not know, but he dreaded much. It was in this frame of mind that he received a visit from zealous physicians of a new school. They confirmed his worst fears; the body politic was in desperate straits; only heroic treatment could save it and he was persuaded to make trial of their nostrum.

The early successes or failures of a new movement in politics seem often to bear little relation to its principles or its leaders. The first steps of its career are determined by the circumstances under which it first sees the light, by the nature of the community into which it is born. A lucky hour, a favoring environment, may atone for many an hereditary defect. We have seen that the early fifties were years of great unsteadiness, of stumbling transition in Massachusetts' social and industrial development. That in the midst of this time of doubts the tide of immigration should have suddenly risen to the flood was cause quite sufficient to fill timid souls with grave apprehension for the safety of American institutions. Had these phenomena occurred ten years earlier they would doubtless have evoked a considerable revival of nativism. If the mechanism of the secret order could then have been exploited the movement might have made itself formidable, but it certainly would have elected no governors, packed no legislatures and sent no representatives and senators to Congress; for in ordinary times nine-tenths of the voters cast a straight party ticket. But by 1854 normal or calculable politics had become a thing of the past; everything was turmoil. In 1848 bolters from the convention that nominated Taylor had called into being the Free Soil party. Among its founders and most ardent leaders were Charles Allen and Henry Wilson of Massachusetts. In no other state during the next few years did the new party put



politics in greater confusion. The compromise of 1850 proved entirely ineffective for the healing of the breach. Webster's Seventh of March speech embittered instead of harmonizing the disputants.<sup>1</sup> The Free Soilers soon polled a vote large enough to throw the election of governor into the legislature. Then came the much-denounced coalition with the Democrats which sent Charles Sumner to the United States Senate and called the constitutional convention of 1853. Massachusetts furnished her full quota of abolitionists, the Emigrant Aid Company took its rise here, and the Kansas-Nebraska bill called forth the bitterest antagonism between sometime friends in politics. Questions relating to liquor legislation, to constitutional amendment, to immigrant problems, were mere ripples upon the surface; the slavery issue was moving politics from beneath. Old alliances no longer held. Democrats and Whigs alike were dissatisfied with the attitude of their parties and recognized that a change of base was imminent. The Free Soilers had done much to loosen party ties. But apparently their position was too radical. They could carry elections only by coalitions which would subordinate them to one of the older parties.

It was just at this opportune juncture that the Know-nothing organization made its appearance in Massachusetts and held out its seductively mysterious appeal for votes. The Democrat listened with comparative indifference. In the nativist issue he felt but a negative interest, for the vast majority of the newcomers became loyal members of his party. As regarded slavery the new party at first professed to take a neutral stand, the very attitude which the Democratic party was exerting all its agility to maintain. From the Whig the appeal met with a more cordial reception, for the Whig party was thoroughly at odds with itself over slavery. The compromise of 1850 had aroused bitter resentment, and the Kansas-Nebraska bill crowded slavery to the fore; the issue would not down. The immigrants had brought only disaster to the Whigs, and aside from political antagonism, there was the prejudice against foreigners, for the Whig party represented the more conservative and aristocratic elements of the population. There were besides not a few Whigs, who, sympathizing mildly with the nativist tendencies of the American association, nevertheless believed that slavery was the issue of the hour, but that it could never be settled by the existing parties. They believed that the time had come for break-up and readjustment, and regretfully left their old allegiance in the hope that out from the welter a new and vitalized Whig party might arise. As for the Free Soilers, coalition had become second nature to them. By

<sup>1</sup>Wilson, *Rise and Fall of the Slave Power*, II. 254. Rhodes, *History of the United States since the Compromise of 1850*, I. 154.

it alone they had been able to elect their United States Senator and call the constitutional convention. But their revised constitution had been rejected, and the Democrats were making it evident that the partnership with them must soon end; Free-Soil principles were not to be advanced through Democratic allies. What more natural, then, than to attempt the capture of the new organization? The nativist part of the programme would make many a man wince, but every day it was becoming more apparent what a powerful engine the new party could be made if only it could be run upon the Free-Soil track. An analysis of gubernatorial votes shows beyond question that the Free Soilers, to a far greater extent than any other party men, merged their organization into the new party.<sup>1</sup> This they did not from devotion to the fundamental principles of Know-nothingism, but with the definite plan of making the Know-nothing mechanism serve their ends, if not in directly furthering Free-Soilism at any rate in breaking down the old parties.<sup>2</sup> The capture of the Know-nothing organization by the Free Soilers in Massachusetts was an extremely clever piece of political sharp practice. That office-holders, the "machine," those with whom party principles were synonymous with individual self-interest, should have put on the regalia of the new order so soon as it held up visions of spoils was to be expected as a matter of course; their principles were as readily changed as their coats, and the unsophisticated nativists in the Know-nothing councils soon found that they had to deal with a motley and voracious crowd of political adventurers within their very midst.<sup>3</sup>

That Know-nothingism took exceptionally vigorous root in Massachusetts was due to peculiar local conditions which to the short-

<sup>1</sup> "Of the three leading parties of last year the Free Soilers have most nearly approached a total absorption in the secret order. No less than 77 per cent. of them have disappeared, while 62 per cent. of the Bishop Democrats, and but 55 per cent. of the Whigs have deserted their standards." *Boston Daily Advertiser*, November 15, 1854; December 20, 1854.

<sup>2</sup> A friend, John Rogers, asked Henry Wilson "How he could consistently use his endeavors to overthrow a political organization from which he had received the most desirable office in the gift of the people of Massachusetts. Hon. Henry Wilson, Massachusetts representative in the Senate, replied, 'I'll blow the whole thing (the American party) to hell and damnation.'" *Boston Daily Bee*, September 26, 1855.

<sup>3</sup> *Boston Daily Advertiser*, December 28, 1854. "Free Soilers have seven out of the eleven members of Congress for two years, the Senator for four years. The Whigs have the Governor for one year. The distribution is no concern of ours, but it looks to us as though the Free Soilers had taken the turkey for their part, given the Whigs the hawk, and allowed the Democrats to smell of the game." *Worcester Palladium*, February 14, 1855. "We do not believe it ever happened before this year that a majority of the holders of office, elected by a party, betook themselves to an opposite party within a year and participated in the defeat of the men who placed them in office." *Boston Telegraph*, quoted in *Daily Advertiser*, November 20, 1854.

sighted might naturally seem to afford some justification for the platform if not for the methods of the new order. To a conservative community, perplexed by rapid and radical changes in its industrial economy, Irish Catholic immigration, increasing at a pace unexampled, brought a host of new embarrassments. But the political success of the movement, as overwhelming as it was short-lived, was due not to the prevalence of nativist or of anti-Catholic sentiments, but to the widespread political unrest. The old faiths were everywhere rudely shaken. The question became not "Why should I leave my party?" but "Can I with a good conscience remain in my party?" With the Free Soilers the resolution was speedily taken; they planned and effected the capture of the Know-nothing organization. Real burdens and problems connected with immigration had been the occasion of its rise. But from the time of its entrance into state politics its phenomenal career is that of an army carrying the nativist flag but officered and manœuvred by Free Soilers and political adventurers.<sup>1</sup>

GEORGE H. HAYNES.

<sup>1</sup> Within a month after the opening of the legislature the *Boston Daily Bee*, the leading Know-nothing organ, complained bitterly that in spite of the overwhelming American majority in each house, the conduct of public business was not in the hands of those who had the principles of the American party sincerely at heart.

## DOCUMENTS

### 1. *A Letter of Ferdinand of Aragon to Diego Columbus, 1510.*

The interest connected with the name of Columbus gives factitious importance to all documents relating to the governorship exercised by him and his son over the Spanish New World, which may perhaps serve as an excuse for printing the subjoined letter. It appears that among the early adventurers seeking the New World there were some debtors of persons condemned by the Inquisition, and the zealous receiver of confiscations at Seville sent out an agent to hunt them up and collect from them, for the royal treasury, the amounts owing to the victims. To enable him to perform his errand successfully the king orders the admiral of the ocean and governor of the Indies and Tierra Firma and his subordinates to lend aid and compel summary settlements. The document is in the archives of Simancas, Consejo de la Inquisicion, Libro III., fol. 47.

HENRY CHARLES LEA.

#### EL REY

Don Diego Colon, almirante del mar oceano e governador de las indias e tierra firma e a vuestros alcaldes e justicias, Por parte de Pedro de Villacis receptor de los bienes confiscados por el delito de la heregia en la cibdad e arcobispado de Sevilla, me es fecha relacion que en estas villas e lugares hay algunas personas, que deven e son obligados a pagar a mi camera e fisco algunas coantias e sumas de maravedis por contratos o alvalaes e syn ellos que se devia a Diego Deça que por el delito de la heregia fue condepnado a carcel perpetua e sus bienes confiscados, e a otras personas de la dicha cibdad e arcobispado de Sevilla muchos bienes fueron confiscados lo qual el dicho receptor embia a lo cobrar en mi nombre e con su poder, por ende yo vos mando que cada e quando fuere-des requerido por su parte sobre lo suso dicho fagades parecer ante vos a los tales debdores e sabida la verdad brevemente e de plano syn estrepitu ni figura de juicio le administrais entero cumplimiento de justicia e lo que asi fallaredes que le es devido compelades y apremiedes a los tales debdores que luego gelo den e paguen sin dilacion alguna dandole parte dello el favor e ayuda que menester oviere, e non fagades ende al. Fecha en Valladolid a 19 dias de enero de 1510 años. Yo el Rey. Por mandado de su alteza Juan Roiz de Calcena. Estava señalada del licenciado Aguirre.

### 2. *Letters of Christopher Gadsden, 1778.*

For the following letters of General Christopher Gadsden THE REVIEW is indebted to Edward I. Renick, Esq., of the Department

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of State, Washington. The first of them was written two days after General Gadsden's duel with General Robert Howe. Drayton (d. 1779) was at this time a member of the Continental Congress.

I. CHRISTOPHER GADSDEN TO WILLIAM HENRY DRAYTON.

CHAS TOWN 15<sup>th</sup> Aug<sup>st</sup> 1778.

Dear Sir :

I am indebted for yours of 6<sup>th</sup> and 14<sup>th</sup> July. All your friends I assure you are concerned that any difficulties should happen so as to occasion hesitation to sign the Confederation. We cannot see the least force in the objections. A confederation ought most certainly to have been signed long since. What must the French think? Have they not made an alliance with 13 States? But how can that be while no confederation is made between themselves and if even upon arrival of their Ambassadeur, every State must be separately pleased and throw so many difficulties in the way? What! Because one State has orders not to sign, and another State has not received instructions to sign, Shall we who had positive orders to agree to the determinations of Congress, withdraw our consent and make the breach still wider and do all in our power to make Maryland more obstinate? Had our confederation been signed there would be no room for any political powers or parties, allies or not allies, to interfere for their own purposes. This is no new thing (I am sure you know) in Europe. Witness Holland, Germany, Switzerland &c. Let us prevent all such manoeuvres as soon as possible. Nothing will do it so speedily or effectively as a ratify'd Confederation. There is abundantly less risk in trusting to a future Congress some 10 or 20 years hence for correcting what may be amiss, than to let this matter lay any longer open. I dread ten thousand times more the restless ambition of a few individuals in each State to overset our matters and enthrall us, than I do anything of that sort from the States themselves. Yr expences must be great at Philad<sup>a</sup> immediately upon the British troops leaving it. This is an extraordinary event, and I think we ought not to suffer you to be out of pocket and I hope we shall not.

I am sorry my friend Lee seemed so indifferent with regard to my affair with Howe. I shall trouble you no farther on that subject, only hope the Carolina Delegates will at least disabuse the Congress publicly and not let them continue to think that my resignation was intended as an insult to them, than which nothing was farther from me, for I never thought them to blame. Had they sent Howe to take the command of me, as we were of equal rank, and he of another State, and had no greater opportunities in the military way than myself, I should certainly have felt very sensibly the stroke; concluded it proceeded from their distrust of me, as not being of equal industry, capacity, or integrity with him, and then should most certainly have sent *them* my Commission, and eased their fears, at the same time lamenting the low state I stood in their opinion. But as I always thought, and think still, they knew nothing of

the matter, but thought Lee had given him orders to come here—and found that my country would not hear me through the party intrigues of a thin house—I therefore threw up my commission *here*, and out of delicacy to the Congress did not send it to them myself. All I expected was the common compliment to an officer that I thought they did not wish (and I am sure had no reason) to get rid of—that of giving him an opportunity before they accepted his commission to tell what hurt him. Howe has had an exact copy of my letter of the 4th July to you and numbers in town have seen it, many of his friends. I say the Congress was never so grossly imposed upon, and if they do not resent such impositions, they deserve to be so again and again. *Qui vult decipi, decipiatur*. I wish you were able to read the copy I sent you. I was resolved to send my observations by the return of same express that brought yours concerning Howe's extract. I wished for a little longer time to furbish it up. From what dropt from Heyward my apprehensions were first grounded, of the Congress looking upon my resignation as an intended insult to them. I therefore make no doubt he will do the justice to set the matter to rights, and in order that he may be the better enabled so to do, I shall be obliged to you to give him with my compliments the inclosed copy of my letter on that subject to you, which is fairly and exactly made out, and also let him see what farther is mentioned in this letter relative to that subject. Yr last letter tastes Moreish—we long for another express. Nothing here worth notice only that we had almost a hurricane last Monday. My bridge received very little damage indeed.

I am D<sup>r</sup> S<sup>r</sup>

Yr &c &c

C. G.

II. CHRISTOPHER GADSDEN TO WILLIAM HENRY DRAYTON.

CHAS<sup>T</sup>TOWN 14 Octo<sup>r</sup> 1778.

D<sup>r</sup> Sir

I am obliged to you for the paper sent me by last Express. I find you are indefatigable. God prosper you. We are obliged to you for it. Johnson is driven off the American Stage, I find, but pondering revenge, however I hope his sting is taken out. The House met according to Adjournment, very few members indeed. The Presd<sup>t</sup> made a very proper and spirited representation of the behaviour of the mob in Charles Town the 5th June which mob was ostensibly on account of his proclamation, but really (as I am verily persuaded) artfully stirred up and set a going by a cabal. The House after having it before them a month, through the influence of the Town members put it off to the next House. In the meantime the Presd<sup>t</sup> and privy council is to put [up] with the insult. I was much afraid Mr. Lowndes would have resigned, which would have put the State into great confusion, and would have given the party who were hopeful that officers would not have been found to set the new Constitution a going the utmost pleasure. The resignation of the Council would have done the same. As for my part as Vice President and a new election so near at hand, I thought my resignation could be of little mo-

ment to the State, and at the same time thinking it would be of some good consequence that some part of the Executive should show a feeling upon so monstrous an insult as they received, I thought myself in a manner peculiarly called upon to do it from my station, and accordingly wrote the within letter to the Speaker which was laid before the House, who I expected would have accepted my resignation immediately. However I was mistaken for they did me the honour unanimously to send 2 members to desire I would continue. This I could not refuse, therefore still remain in statu quo and I am not without reason to think my letter has done some good that may appear in future. Williams and Hopton arrived a few days ago in their Flag. I am glad of anything to rouse us if possible from our lethargy, but the conversation with Johnson I look upon as a matter of course and highly probable that had Mr Williams been a N. Carolinian or Georgian just the same would have been said to him with regard to either of those States. If anything is intended, I rather think Johnson wishes to brew it up after his arrival in England than that any danger may be apprehended this winter from Clinton—Our masters the Assembly, Legislative and Executive examined Hopton and Williams themselves and discharged them. The Council had examined the last the evening before; but the people of the town seeming so enraged, it was thought absolutely necessary to refer him to the House, even for our own sakes, for had we discharged him, and we could not have done otherwise, I make no doubt St. Michael's bell would have been set a ringing in a few minutes afterwards—

We are going to fortify in all haste and make no doubt shall persist till we have half finished some works and then, what then? do as——heretofore

I [am] D<sup>r</sup> Sir &c.

P. S. The express is waiting.

C. G.

### III. CHRISTOPHER GADSDEN TO THOMAS BEE, SPEAKER.

To the Honble Tho<sup>s</sup> Bee Esq<sup>r</sup>

Speaker to the Honble the Commons House of Assembly of the State of South Carolina.

5 Octo 1778.

D<sup>r</sup> Sir

The Honble House thinking proper after having had his Excellency the Presd<sup>ts</sup> message relative to his proclamation of the 5<sup>th</sup> June and the outrageous treatment it met with from a part of the people of Chas Town a month before them to postpone the matter to the next House in parliam<sup>y</sup> language ad Gracias Calendas; considering the part I acted in earnestly advising that step in w<sup>h</sup> I am conscious of having done nothing improper, I submit it to the House how they think I must feel under such at least negative censure, especially after the deliberately gross treatment the Executive received from a Body of men mentioned in no part of our Constitution as I can recollect, who called themselves the Flint Club.

The contemptible, suspicious, and useless situation w<sup>th</sup> regard to the



publick I find myself reduced to upon this occasion lays me under the necessity of entreating you to request the Honble House for the public sake as well as my own, to deliver me from it by accept<sup>g</sup> my resignation as V. President. It may not be proper for me to let my feelings carry me farther. Am therefore resigned to stop here if Sir you think my particular reasons following are too free, improper from me, or will give offence to the House, which I should be sorry to be thought capable of intending; but if you judge not and the House will bear w<sup>th</sup> the remonstrance of an old and faithful servant, I shall then be obliged to you to lay them before them——

I was the first man that moved in Council for our compliance with that recommendation of Congress w<sup>ch</sup> is the subject of the President's proclamation of the 5<sup>th</sup> June and never consented to any publick Act more heartily and w<sup>th</sup> clearer judgment as the best measure this State could pursue at that very critical period exclusive of that respect for Congress w<sup>c</sup> the true Interest of America and even the Existence of its free States always did and still requires to be shewn. A copy of this Proclam<sup>n</sup> his Excellency laid before the House w<sup>th</sup> an acct of the outrageous treatment it met w<sup>th</sup> more than a month since in full as mild terms as it deserves.

The advice just mentioned to the Prest. I avow to have given, am accountable for it to the State, and knew so at the time. Tis either impeachable or not, if the first I ask no favour but heartily wish to be tryed as the Constitution has appointed, being not conscious of any guilt and have a right to a fair trial. If the last, the future peace and safety of the State, good order, and good policy require that the Executive should be supported. Principiis obsta has been ever looked upon as an excellent maxim, for unchecked insolence very rarely decreases of itself and this I am persuaded the Presd and privy Council will soon amply experience. The very existence of the State during the present war upon a sudden emergency in the recess of the House (and none of us can tell how soon such emergency may happen), may oblige the Privy Council to advise the Presd to act really very opposite to some of our most favourite laws. This advice indeed they must give at their own risk, and rightly so and tho' it would be as great political cowardice not to give it upon a proper occasion as it would be personal cowardice to turn one's back upon an enemy in the Field of inferior Force, yet must not men be blessed with an exalted virtue indeed and a superlative degree of firmness to run such risks when they have any reason to apprehend they will not be supported? If a proclam<sup>n</sup> of the Presdt in consequ<sup>ce</sup> of a recommendation of Congress and the advice of the Privy Council is to be counteracted and defeated by a managed misinformed part of the Town dextrously practiced on (imperceptibly I am fully persuaded to themselves) by the bellowing tools of a few ill-intending, restless, disappointed, self-important men behind the scenes (as I verily believe was the case the 5<sup>th</sup> June): if the magistrates are to be intimidated; if the presses are to be stopt at their nod and all this to pass without proper notice, the Privy Council will soon be of little use and must rapidly dwindle into

that insignificancy, discredit and contempt which an artful and indefatigable cabal earnestly wish to see them in and will miss no other *sly* opportunity to bring about. The next step to making that necessary and useful part of the Constitution contemptible will be of course to expunge them altogether when it is found (as in the nature of things must happen speedily if not timely prevented) that none but dastardly Trimmers, ambitious Caballers, interested jobbers will serve in a Department rendered so low, suspicious and despicable.

As V. President the devolving part of the Executive on me being altogether contingent and the election of a new Assembly being so very near, the chance is very little indeed that my resignation now can be of any moment to the public. Did I think it of consequence no feelings ever so disagreeable, no indelicate treatment whatever would make me entertain the least thought of resigning. But when I consider too of what essential and lasting importance a Privy Council chosen as ours is must be to a free State; from the nature of their duty how obnoxious they are to selfish and ambitious men who wish to take advantage of the publick: how grossly the present Council has been treated: How Cheap that alone must make them: convinced too that it is the duty of every man called upon by his country to fill a publick station to hand it down unsullied as far as in him lies to his successor—these considerations all put together call on me particularly to shew a feeling (as well for the public sake as from a regard to my own character) by desiring to quit in the manner I do a station in w<sup>h</sup> much insult has been experienced, more may be expected and little probability thro' want of *undelayed* support and countenance of being of any use.

I am sure your Honour must be persuaded from the many peculiar and remarkable circumstances w<sup>ch</sup> attended my appoint<sup>mt</sup> that nothing could have induced me to accept it but the apprehension that an excellent Constitution w<sup>ch</sup> no individual took more pains about than myself might otherwise want some formal officer thought necessary in putting it in motion. I hardly know of any material fault in it but the great disproportion of members in a few Parishes w<sup>th</sup> respect to others, a matter w<sup>ch</sup> tho' generally seen and admitted, having got a footing from necessity could not for want of proper data at its framing be *then* better regulated and w<sup>ch</sup> the Constitution in its 15th Clause has provided shall be set to rights at a future period, in the interim trusting to the virtue common prudence and true policy of such parts as glaringly have the greatest superiority both w<sup>ch</sup> regard to situation and number of representatives that no inconveniences or disturbances would arise on their part by their ungenerously and unwisely assuming too much on their present advantages.

I have had without asking or soliciting any man's vote directly or indirectly the honour to serve my country for many years in various stations, always totally devoted to that particular post occasionally allotted to me; never quitting it while the least hopes remained of having that necessary support the station required:—zealous and attentive in all to the honour of the public and their nearest concern: unbiased either by friend or foe: intimidated by none: constantly attending to my duty

while a member of Assembly : making no promises but always keep<sup>d</sup> myself disengaged upon every question for any officer whatever wanted to any Department of the State, or concerning any other matter of moment till it came before the House and then voted according to *my own* best judgment for the good of the whole : always thinking it cowardly to leave the House on a division upon any question whatever, unless it merely concerned myself or I really did not understand the terms it was put in : seldom upon making a motion have I previously secured even a second : but more than that I always looked upon as caballing, warping men's judgments and a kind of treason against or at best pitifully and dirtily crimping for the State and if I now towards the close of a long, disinterested and laborious service ask any favour, either of individuals or the publick in general let it be to be looked upon as a citizen detesting licentiousness and totally devoted to the cause of equal *constitutional* liberty, religious and civil to all, Governors and governed, and having not a desire (and who never had) for himself or family in these respects that he does not from the bottom of his soul wish for every honest man in the State and indeed in all the world.

Believe me Sir the exquisite feelings arising from a consciousness of having acted in this steady uniform manner in publick life has made me more than ample amends for every neglect, every disagreeable circumstance it has occasioned through selfish ambitious arbitrary or designing men whose private views have been occasionally thwarted thereby. I have served with pleasure under the President, am a witness to his indefatigable attention to the publick interest not only in his present, but in several other important stations, on very trying occasions, have long and well known his honest sensible Heart and fixed attachment to the publick good, feel extremely for his delicate situation and most earnestly wish for my Country's sake that he had the support he so much merits from every good and honest man in the State and *to w<sup>ch</sup> as a private citizen* I am hopeful to contribute my mite. In a publick station, as times go, I can afford him none. Give me leave to conclude w<sup>th</sup> declaring that had I not thus shewn my publick resentment in the strongest manner I am able ag<sup>st</sup> the proceedings justly represented by his Excell<sup>y</sup>, the President in his message of the 3<sup>d</sup> Sept<sup>r</sup> I should have ever thought myself accountable for all the riots and mobs throughout the State that may happen in consequence of that which happened in Cha<sup>s</sup> Town the 5<sup>th</sup> June and as having abetted the artful opposers and disturbers of our peace by negatively at least assisting them in their indirect underhand practicings on the weakest part of the Constitution, the present allowed disproportion of members in order to throw all into confusion and when an opportunity serves get the whole new modeled more to their go<sup>ut</sup> ; and as sacrificing the duty I owe as officer to the whole state to the idle tickling of a momentary popularity w<sup>th</sup> a too assuming small part.

I am S<sup>r</sup> w<sup>th</sup> great respect

Y<sup>r</sup> Honours most obed servt

C. G.

5<sup>th</sup> October 1778.

3. *Correspondence of Eli Whitney relative to the Invention of the Cotton Gin.*

[For the following contribution the REVIEW is indebted to Dr. M. B. Hammond, of the University of Illinois, author of a monograph on the *Cotton Industry in the United States*, soon to be published by the American Economic Association, and to Eli Whitney, Esq., of New Haven.]

THE story of the invention of the cotton gin by Eli Whitney, of Massachusetts, while he was a guest of the family of General Nathaniel Greene, at their residence near Savannah, Georgia, has long been one of the historic traditions familiar even to school children. But circumstances have arisen within recent years which make it desirable to recall the old story of the invention, and to examine its claim to a place in the history of the industrial development of the nation.

In the recent literature of the cotton industry, especially that contributed by Southern writers, there have appeared numerous references and assertions which show plainly that there is a growing conviction at the South, either that Eli Whitney was not the real inventor of the saw gin, or that his gin became practicable as an instrument for cleaning the green seed cotton, only when supplied with subsequent improvements by other inventors, or, at any rate, that Whitney was aided in the construction of his machine by suggestions derived from witnessing the efforts and partial successes of other experimenters. Instead, therefore, of the cotton gin being an original product of Whitney's brain, it was, say these writers, only the successful combination of the discoveries and experiments of equally brilliant but less fortunate artisans who had wrestled with the same problem.

In support of their statements these writers have usually given a more or less full and plausible account of what they believe to be the true origin of the cotton gin, and of the perversion of history by which Whitney secured the honor which entirely or partly belonged to another.

I have no wish to charge with insincerity any of these persons who either through published writings or through personal correspondence have set forth the claims of those whom they believe to be justly entitled to the credit of having given to the world this great invention. The respectability of these gentlemen, and the manner of their writing, are indisputable witnesses of their candor in this matter. And, indeed, their stories are only in line with the theory of invention which will be found to be the true explanation of the majority of the great discoveries in the arts and sciences.<sup>1</sup>

<sup>1</sup> See Brentano, *Ueber die Ursachen der heutigen socialen Noth*, pp. 7 ff.; Hobson, *The Evolution of Modern Capitalism*, p. 58.

That Southern men conscious of the needs and existent difficulties in the way of separating cotton from its seeds, should have made efforts and even important contributions toward solving this problem, rather than have left the whole problem to be worked out by a stranger who "had never seen cotton or cotton seed in his life," is only what, in the ordinary course of events, we should have expected; and anything which tends to confirm our expectations in this matter is a sufficient excuse for calling in question the verdict of history, and for attempting to ascertain whether the story of the invention in the little shop on the Savannah be not, after all, only a historical myth.

When Whitney went South in 1793, the subject of cotton ginning had already been much agitated in the Southern States. The green seed or short staple cotton had just begun to be cultivated for the market in the upper parts of South Carolina and Georgia, and, provided that an easy method of cleaning it could be devised, its cultivation gave promise of much success. In the tide-water region of the South from Delaware to Georgia small crops of cotton of a black seed variety<sup>1</sup> had been raised for domestic use almost since the first settlement of the country. Shortly after the close of the Revolution the long staple, sea-island cotton had been introduced into the United States from the Bahamas and was successfully cultivated in the southern part of this region, especially in Georgia.

The work of separating the seeds from the lint of the cotton was at first done by hand. But this was a very tedious and unprofitable undertaking. Whitney says that he had never seen anyone who claimed that he could clean as much as one pound a day in this way. In Williamsburg County, South Carolina, it was the custom in 1790 to require each field laborer and his family to clean four pounds of lint cotton per week in addition to their ordinary work. "This would amount to one bale in two years."<sup>2</sup>

Attempts had been made quite early to devise a machine for the ginning of cotton. There had been introduced from India, where it had been in use for centuries, the *churka*, a simple hand-mill having two wooden rollers, grooved longitudinally, mounted on upright posts and, by means of a crank or treadle, made to revolve in opposite directions. This machine was used in cleaning the black seed cottons and performed its work in a very imperfect manner. Modifications of the *churka* had also been attempted. M. Dubreuil, a planter in the French territory of Louisiana, had devised a gin in

<sup>1</sup> Seabrook, *Memoir on the Origin, Cultivation and Uses of Cotton*, 15.

<sup>2</sup> Handy, *History and General Statistics of Cotton*, in *The Cotton Plant*, Bulletin 33, Office of Experiment Stations, U. S. Dept. of Agric. (1896), p. 38; H. Hammond, *Handbook of South Carolina*, p. 11.

1742 which was so successful that it had a noticeable effect in increasing the production of cotton in that province.<sup>1</sup> Thirty years later Mr. Crebs, of West Florida, brought out a gin resembling the *churka*.<sup>2</sup> This was introduced into South Carolina in 1776 and into Georgia two years later. In 1778 Kinsey Burden, of South Carolina, devised a roller gin, and in 1788 Mr. Bisset, of Georgia, invented one by means of which a boy or girl could clean five pounds of long staple cotton in a day.

Ginning machines seem also to have been in use in some of the cities where cotton was marketed, and in the first factories for the manufacture of cotton goods which were established at the close of the Revolution. Richard Leake, a Georgia planter, wrote to Thomas Proctor, of Philadelphia, in 1788, that he had heard of gins in use in Philadelphia "that will clean 30 to 40 pounds clean cotton in a day and upon very simple construction."<sup>3</sup> A Charleston correspondent of Carey's *American Museum*<sup>4</sup> writes under date of July 1, 1790, that: "A gentleman of great mechanical knowledge, instructed in most of the branches of cotton manufacture in Europe, has already fixed, completed and now at work on the High Hills of Santee, near Statesburgh, and which go by water, jennings, carding and slabbing machines, also spinning machines with eighty-four spindles each, and several other useful improvements for manufacturing every necessary article in cotton, which is planted in considerable quantities, and grows to perfection and profit in that neighborhood." An ancient ginning machine dating even anterior to 1790, and which is said to have possessed "all the essentials of a modern cotton gin," was exhibited at the Atlanta Exposition of 1881, but nothing concerning its history could be ascertained, except that it came from the neighborhood of Statesburg.<sup>5</sup>

But whatever success these primitive machines may have had in cleaning the sea-island cotton or that grown in the tide-water region prior to the Revolution, they proved inadequate to the task of ginning the green seed cotton of the upper country. In 1790 Dr. Joseph Eve, of Augusta, Georgia, made great improvements in the roller gin and adapted it to be run by horse or water power. "It was claimed that his gin would detach the seed from short staple cotton; but it appears not to have succeeded in doing this."<sup>6</sup>

It is quite possible that other mechanics may have endeavored to solve the problem of cotton ginning and that they may have at-

<sup>1</sup> Bishop, *History of American Manufactures*, I. 351.

<sup>2</sup> *Ibid.*, pp. 352-3.

<sup>3</sup> Quoted by Handy, *op. cit.*, pp. 35, 36.

<sup>4</sup> Vol. VIII., Appendix IV., p. 11.

<sup>5</sup> Handy, *op. cit.*, p. 38.

<sup>6</sup> H. Hammond, *Hand-book of South Carolina*, 38.



tained a partial success. A commission had been appointed by the state of Georgia to encourage such efforts,<sup>1</sup> but there is no evidence that it succeeded, or that any entirely successful attempt to produce a machine which would gin the short staple cotton had been made prior to the invention of the saw gin in the spring of 1793.

Among the claims to the invention of the saw gin which have been made in behalf of other persons than Whitney, perhaps the most widely circulated, although certainly the least plausible, is that which has been put forth in behalf of Mrs. Greene, Whitney's hostess and patron. It is said that this lady, being a woman of great mechanical ingenuity and much interested in the problem of how to clean the short staple cotton, either made or caused to be made a machine which should accomplish this purpose. Being a modest woman, however, she shrank from the connection of her name with the invention, and she therefore begged of Mr. Eli Whitney, the school-teacher and law-student, then a resident of her household, that he would assume the responsibility of having originated the design of the machine. To this Whitney readily consented, and soon after secured a patent in his own name, and thus obtained the honor of having given to the world this great invention.<sup>2</sup>

A more plausible argument than the above is that advanced in favor of Hogden Holmes, of Hamburg, South Carolina. By some persons it has been claimed that Holmes was the real inventor of the cotton gin and that Whitney stole the idea from him; while by others the priority of Whitney's invention is conceded, but the claim is advanced in behalf of Holmes that he was the first person to make use of saws for cleaning the cotton and that this improvement more than anything else contributed to make the gin a practical success.<sup>3</sup>

What gives countenance to this claim, especially as it relates to the use of saws, is the fact that a patent was issued to Holmes for an "Improvement in the Cotton Gin," by the United States Patent Office, on May 12, 1796. The letters patent are still in existence.<sup>4</sup> The Holmes machine was set up in the grist mill of Captain James Kincaid, on Mill Creek, in Craven (now Fairfield) County, South Carolina, in 1795, and is reported to have been the first of the saw

<sup>1</sup> D. A. Tompkins, *Cotton and its Uses*, in the *Manufacturers' Record*, Nov. 1, 1895. Supplement, p. 1.

<sup>2</sup> This is substantially the version of the story put forth by a writer in Annie Nathan Meyer's *Women's Work in America* (N. Y., 1891), but practically the same story has been oftentimes repeated.

<sup>3</sup> D. A. Tompkins, *Cotton and Its Uses*, in the *Manufacturer's Record*, Nov. 1, 1895.

<sup>4</sup> The original parchment copy is in the possession of the South Carolina State Historical Society, Charleston.



gins used in that state.<sup>1</sup> It is from Mr. Thomas Anderson, of Long Run, Fairfield County, South Carolina, a great-grandson of Captain Kincaid, that we have the clearest account of the extreme claim made in behalf of Holmes. Mr. Anderson derived his information from accounts of the affair related to him by his grandmother and grand-aunt, daughters of Captain Kincaid. Mr. Anderson's account, as given in a personal letter to the writer,<sup>2</sup> is that :

"The cotton gin was first designed by one Hodgson Holmes, a Scotchman living at a place called Hamburg, opposite Augusta, Ga., on the Carolina side. It is reported that Holmes' original intention was for his implement to be a wool burrow, he having been the owner of a carpenter shop at which such a machine could easily be constructed. Eli Whitney, of Connecticut, being both a carpenter and schoolmaster by trade, when out of employment as the latter would sometimes work with Holmes and meddled so suspiciously with Holmes' machine that he was finally discharged. Now Hamburg was the northern limit of navigation on the Savannah and my grandfather did his trading there largely. Being himself of Scotch descent, an intimate acquaintance naturally sprang up between Holmes and him. Holmes had not the means of testing the merit of his invention, and requested Capt. Kincaid, who possessed the necessary water power, to take the machine to his place in order to test it. The experiment proved it to be successful as a cotton gin.

"Whitney followed at some subsequent period. He came to my great-grandfather's residence during the absence of the latter and requested Mrs. Kincaid to see the curious machine Captain Kincaid was reported to have had. She readily assented and gave him the keys, which he duly returned and left immediately. . . . Whitney is supposed to have left immediately for the North and in a short time was famous as being the inventor of the cotton gin. . . . This machine (the Holmes gin) was frequently pointed out to me by old servants as well as reliable white gentlemen as being the first and only one of its kind. It was a very crude elementary machine. It was very small ; there were only four ribs to the brush ; there were saws, as in the improved machine—all entirely hand-made—everything wood, except the gudgeons or bearings which were inserted in wooden shafts ; there were cogs, also a pulley, if I remember rightly. . . . This gin was burnt with my gin house by Sherman in 1865, with all papers and effects belonging to it, together with everything valuable on the place except the dwelling. Possibly some of the records were preserved by being carried off. There is no doubt in my mind that Holmes is the actual inventor of the cotton gin and the honor given to Whitney is due merely to his stealing the patent ; since no personal motive could have induced my family to

<sup>1</sup> Seabrook, *Origin, Cultivation and Uses of Cotton*, p. 17 ; *Handbook of South Carolina*, p. 11. These authorities, however, supposed the gin on Mill Creek to have been one of the Whitney patent gins.

<sup>2</sup> Dated Long Run, S. C., Jan. 17, 1895.

invent this story. No credit could possibly have accrued to them, since Holmes himself was the sole inventor."<sup>1</sup>

Analogous to the claim made for Holmes of having been the first person to make use of saws for cleaning cotton, is the claim put forth on behalf of Col. O. A. Bull, of LaGrange, Georgia, who is also said to have been the first to engraft this improvement on the Whitney gin.<sup>2</sup>

Still another claimant for the honor of having invented the cotton gin has been put forth under the name of Joseph Watkins, of Petersburg, Elbert County, Georgia. Mr. Hugh N. Starnes, now horticulturist of the Georgia Experiment Station, Experiment, Georgia, has stated in a printed article<sup>3</sup> that Joseph Watkins, a wealthy planter living in Petersburg, then a thriving tobacco market, on the upper Savannah, had originated, constructed and had in operation a gin for cleaning the short staple cotton. Shortly after Mr. Whitney began working on his own machine, says Mr. Starnes, he learned of the Watkins machine and made a journey to see it. He found that it "corresponded almost identically to his own conception."<sup>4</sup> But in one respect it was an improvement; it was provided with a brush cylinder for sweeping away the particles of cotton. Carefully noting all the important points in the machine, Whitney returned to Mulberry Grove and constructed his own machine. Thus, continues Mr. Starnes, "Eli Whitney, while none the less the legitimate inventor of the cotton gin, as he had already developed independently in his mind its essential features, and though undoubtedly its improver and introducer, was neither its first inventor, constructor nor operator."<sup>5</sup>

In the article from which the above is quoted Mr. Starnes expressed a willingness to substantiate, on demand, all that he had therein stated concerning Joseph Watkins.<sup>6</sup> Acting upon this suggestion, I communicated with him, requesting the authority for his statements, and received a cordial reply,<sup>7</sup> from which the following is an extract:

<sup>1</sup> Mrs. R. B. Boyleston, a granddaughter of Hogden Holmes, gives an account of the invention similar to that given by Mr. Anderson, but gives the location of the gin and the place of the supposed Whitney visit, as Augusta or Hamburg. Letter of G. H. M'Master, of Winnsboro', S. C., to the writer, dated February 20, 1896. W. D. Aiken of Princeton, N. J., a great-grandson of Holmes, relates the same story as told by Mrs. Boyleston, but adds "I know not how true (it is)." Letter of W. D. Aiken to the writer, dated Princeton, N. J., January 27, 1896.

<sup>2</sup> D. A. Tompkins, *Cotton and Its Uses*, in *Manufacturers' Record*, Nov. 1, 1895; *Handbook of South Carolina*, 593.

<sup>3</sup> *Southern Bivouac*, n. s., I. 385-395.

<sup>4</sup> *Ibid.*, 390.

<sup>5</sup> *Ibid.*, 390.

<sup>6</sup> *Ibid.*

<sup>7</sup> Dated Experiment, Ga., Feb. 14, 1896.

"The information which I received in regard to the gin invented by Joseph Watkins, of Elbert Co., Ga., was received from Col. T. C. Howard, of the Ga. State Dept. of Agriculture, some ten years ago. He gave me a copy of some paper in which the entire details of Watkins' invention and Whitney's visit to him at Petersburg, Ga., about 1794, were detailed—upon what authority I have now forgotten, though at the time I was, as I stated in the *Southern Bivouac*, prepared to produce the proof. There were at that time living certain men whose fathers had known Watkins personally, and could speak 'ex cathedra.' Like Col. Howard himself, they are now probably all deceased. If I had thought that the subject would ever come up again I would have taken pains to have put it permanently on record.

"In the article you refer to in the *So. Bivouac*, it is stated that Watkins was frequently urged to contest Whitney's right to his patent, but, being a wealthy planter, money was no object to him and hence he always declined. The newspaper article referred to contained a partial or rather general description of Watkins' machine, but I cannot now recall the details.

"I do not think, however, that there can be any doubt but that Watkins invented a gin independently of Whitney, and probably before him, or that from this machine Whitney adapted many improvements which he grafted on his own, after his visit to Watkins at Petersburg. Still, as Whitney was the first to put the machine to a practical use and to launch it permanently into existence, he is undoubtedly entitled to the credit of the invention.

"I regret that I cannot give you any more definite information than this. You have sprung the subject on me exactly ten years too late."

While still engaged in investigating these various claims to priority in the invention of the cotton gin, I learned that a grandson of Eli Whitney, who also bears the name of his distinguished ancestor, was living in New Haven, Conn. A correspondence with him resulted in his loaning me a large number of his grandfather's letters and papers. With the exception of extracts from two or three of the least important of these, published by Prof. Olmsted in his *Memoir of Eli Whitney, Esq.*,<sup>1</sup> these letters have never been made public. An examination of these soon convinced me that the verdict of history, which had credited Eli Whitney with the invention of the saw gin, could not now be set aside; and that the claims put forth in behalf of the above-mentioned persons, either to the whole or a part of the invention, were without any real foundation. Believing that the publication of these letters would aid in settling this controversy, I solicited and obtained permission of Mr. Whitney to publish such of the letters as bore directly on the invention of the

<sup>1</sup>First published in 1832 in the *American Journal of Science*, reprinted as a pamphlet in 1846.

cotton gin. But before giving the letters themselves, a word or two regarding the above-mentioned claims to this great discovery may not be amiss.

The claim made in behalf of Mrs. Greene is so puerile that it scarcely deserves notice. No evidence of any kind, so far as I know, has ever been brought forward in support of this claim. The entire pretension seems to rest on a little incident connected with Whitney's work on the gin. The inventor, it seems, had encountered a difficulty in the fact that the cotton lint after having been disengaged from the seed adhered to the teeth of the cylinder and impeded the work of the machine. He was greatly perplexed to know how to overcome this difficulty, when Mrs. Greene, who had been a witness to his fruitless efforts to disengage the cotton from the teeth of the cylinder, picked up the hearth-brush and laughingly remarked, "Why don't you use this?" Acting on this suggestion, Whitney returned to his work and added a second cylinder, studded with stiff bristles, revolving contiguous to, but in an opposite direction from, the other cylinder. This served to sweep the particles of cotton away as they were ginned and made the gin a practical success.<sup>1</sup> Valuable as this suggestion may have been to Whitney, it does not require a very discerning mind to distinguish between the importance of this suggestion and that of the invention itself.

The Holmes affair is thoroughly exposed in the following letters, as, indeed, it was in the federal courts in Georgia in 1807 and later.<sup>2</sup> The claim of Holmes himself does not seem to have been for the entire gin, but only for the supposed improvement of saws. But if anything more than the following letters is required to disprove this claim made for both Holmes and Bull, it may be found in the original specifications of Whitney's gin. Among the Whitney papers is a manuscript copy of the original specifications, dated and certified to before a notary public in New Haven, on October 28, 1793. In these specifications, Whitney, after describing the method of making and attaching the wire teeth, adds a foot-note as follows: "This is the method in which I have usually made the teeth. They may be made with flat rings made fast to the cylinder and teeth cut in the out edge of these rings like those of common ratchet wheels. Teeth set in right lines like a number

<sup>1</sup> Sketch of Eli Whitney, by William Scarborough, Esq., in the *Southern Agriculturist*, August, 1832.

<sup>2</sup> Whitney vs. Carter. See *Fessenden on Patents* (edition of 1810), pp. 122 ff. See also Whitney vs. Fort, and Whitney vs. Carter in Olmsted, *Memoir of Eli Whitney, Esq.*, pp. 39-46.

of saws put into one frame will likewise (on the same principle) produce the same effect ; but it is not so eligible a mode."

The Watkins claim appears at first sight more serious. It has already been mentioned that it was quite probable that Southern mechanics had worked on the problem of the cotton gin before Whitney went South, and not impossible that some of them may have obtained a partial success. Perhaps the Watkins gin may have been an example of this latter class.<sup>1</sup> It must be plain to every one, however, that something more than a mere newspaper statement is necessary for the building up of such claims as are advanced by Mr. Starnes. The eager demand for a cotton gin which caused the people to break into Whitney's shop and carry off his machine does not give support to the supposition that a previous invention which performed the work of cleaning the short staple cotton in a satisfactory manner would have remained unheard of. Mr. Starnes' explanation for this, "the isolated location of Mr. Watkins, his great distance from the coast, and the difficulty of communication at that time,"<sup>2</sup> is entirely inadequate. The upper country was the region where the short staple cotton was cultivated, and where the demand for the gin arose.

The gentlemen whose conversation first gave Whitney the idea of inventing the cotton gin were from the upper country in the neighborhood of Augusta,<sup>3</sup> not a great distance from Petersburg, and it seems hardly possible that they should have failed to hear of a gin already in successful operation in their own country.

The part of the story which refers to Whitney's visit to Watkins, and to his adopting from the latter's gin several improvements which he engrafted on his own, is of course entirely mythical, and it is needless to say that this defect discounts to a considerable extent the value of the remainder of the story. Whitney, during the construction of his machine, never left Mulberry Grove, except to visit Savannah for the purpose of securing materials for his work and cotton in the seed for his experiments. How he obtained the idea of the brush cylinder, which Mr. Starnes asserts to have been borrowed from Watkins' machine, we have already mentioned.

In transcribing the following letters, I have endeavored to preserve the punctuation, the use of capitals and the spelling, which is often lame, exactly as in the original manuscripts. Where omis-

<sup>1</sup> Inquiries which I have made in Elbert Co., and LaGrange, Ga., with reference to Watkins and Bull have failed to elicit any information concerning them. A patent for an "Improvement in Ginning Cotton" was issued to one Robert Wadkins in 1796. Perhaps this, by a slight confusion of names, may have formed the foundation for the story concerning Joseph Watkins.

<sup>2</sup> *Southern Bivouac*, n. s., I. 390.

<sup>3</sup> Olmsted, *Memoir of Eli Whitney, Esq.*, p. 13.

sions of words are due to the carelessness of the writer, I have made no attempt to supply the deficiencies. Where the omissions are the result of illegibility, or the torn condition of the letters, I have endeavored to supply such words as are required by the sense of the communication. All such additions are enclosed in brackets. Without further comment, therefore, than merely hoping that the appended correspondence may, in addition to settling the question at issue, be found to throw some light on the social and economic conditions of the South a century ago, the letters themselves are now for the first time submitted to the public.

M. B. HAMMOND.

I. ELI WHITNEY TO ELI WHITNEY, SEN'R.<sup>1</sup>

NEW HAVEN, Sept. 11th, 1793.

Dear Parent,

I received your letter of the 16th of August with peculiar satisfaction and delight. It gave me no small pleasure to hear of your health and was very happy to be informed that your health and that of the family has been so good since I saw you. I have fortunately just heard from you by Mr. Robinson who says you were well when he left Westboro. When I wrote you last I expected to have been able to come to Westboro' sooner than I now fear will be in my power. I presume, sir, you are desirous to hear how I have spent my time since I left College. This I conceive you have a right to know and that it is my duty to inform you and should have done it before this time; but I thought I could do it better by verbal communication than by writing, and expecting to see you soon, I omitted it. As I now have a safe and direct opportunity to send by Mr. Robinson, I will give you a summary account of my southern expedition.

I went from N. York with the family of the late Major General Greene to Georgia. I went immediately with the family to their Plantation about twelve miles from Savannah with an expectation of spending four or five days and then proceed into Carolina to take the school as I have mentioned in former letters. During this time I heard much said of the extreme difficulty of ginning Cotton, that is, separating it from its seeds. There were a number of very respectable Gentlemen at Mrs. Greene's who all agreed that if a machine could be invented which would clean the cotton with expedition, it would be a great thing both to the Country and to the inventor. I involuntarily happened to be thinking on the subject and struck out a plan of a Machine in my mind, which I communicated to Miller, (who is agent to the Executors of Genl. Greene and resides in the family, a man of respectability and property) he was pleased with the Plan and said if I would pursue it and try an experiment to see if it would answer, he would be at the whole expense, I should loose nothing but my time, and if I succeeded we would share the profits.

<sup>1</sup> No cover. Sent by the hand of Mr. Robinson, of Westborough, Massachusetts.



Previous to this I found I was like to be disappointed in my school, that is, instead of a hundred, I found I could get only fifty Guineas a year. I however held the refusal of the school untill I tried some experiments. In about ten Days I made a little model, for which I was offered, if I would give up all right and title to it, a Hundred Guineas. I concluded to relinquish my school and turn my attention to perfecting the Machine. I made one before I came away which required the labor of one man to turn it and with which one man will clean ten times as much cotton as he can in any other way before known and also cleanse it much better than in the usual mode.<sup>1</sup> This machine may be turned by water or with a horse, with the greatest ease, and one man and a horse will do more than fifty men with the old machines. It makes the labor fifty times less, without throwing any class of People out of business.

I returned to the Northward for the purpose of having a machine made on a large scale and obtaining a Patent for the invention. I went to Philadelphia soon after I arrived, made myself acquainted with the steps necessary to obtain a Patent, took several of the steps and the Secretary of State Mr. Jefferson agreed to send the Patent to me as soon it could be made out—so that I apprehended no difficulty in obtaining the Patent—Since I have been here I have employed several workmen in making machines and as soon as my business is such that I can leave it a few days, I shall come to Westboro'. I think it is probable I shall go to Philadelphia again before I come to Westboro', and when I do come I shall be able to stay but few days. I am certain I can obtain a patent in England. As soon as I have got a Patent in America I shall go with the machine which I am now making, to Georgia, where I shall stay a few weeks to see it at work. From thence I expect to go to England, where I shall probably continue two or three years. How advantageous this business will eventually prove to me, I cannot say. It is generally said by those who know anything about it, that I shall make a Fortune by it. I have no expectation that I shall make an independent fortune by it, but think I had better pursue it than any other business into which I can enter. Something which cannot be foreseen may frustrate my expectations and defeat my Plan; but I am now so sure of success that ten thousand dollars, if I saw the money counted out to me, would not tempt me to give up my right and relinquish the object. I wish you, sir, not to show this letter nor communicate anything of its contents to any body except My Brothers and Sister, *enjoining* it on them to keep the whole a *profound secret*.

Mr. Robinson came into town yesterday and goes out tomorrow, this has been such a bustling time that I have not had opportunity to say six words to him. I have told him nothing of my business—perhaps he will hear something about it from some body else in town. But only two

<sup>1</sup> In a letter to Jefferson, dated Nov. 24, 1793, Whitney stated that with this machine "it is the stated task of one negro to clean fifty weight (I mean fifty pounds after it is seperated from the seed), of the green seed cotton per day." Olmsted, *Memoir of Eli Whitney, Esq.*, p. 17.



or three of my friends know what I am about tho' there are many surmises in town—if Mr. Robinson says anything about it, you can tell him I wrote you concerning it, but wished not to have it mentioned. I have been considerably out of health since I wrote you last; but now feel tolerably well. I should write to my Brothers and Sister but fear I shall not have time—hope they will accept my good wishes for their happiness and excuse me.

With respects to Mama<sup>1</sup> I am,  
kind Parent, your most obt. Son

ELI WHITNEY, Junr.

Mr. Eli Whitney.

II. ELI WHITNEY TO ELI WHITNEY, SEN'R.<sup>2</sup>

NEW HAVEN, August 17<sup>th</sup> 1794.

Hon'd Sir,—

It gives me pleasure that I have it in my power to inform you that I am in perfect health. I left Savannah just three weeks ago. We had a passage of Eight Days to New York, where I spent several days and have been here about a week. I was taken sick with the Georgia fever about the middle of June and confined to my bed ten or twelve days, but had got quite well before I left the Country. There were several very hot Days preceeding my sickness during which I fatigued myself considerable and which was probably the cause of my illness.

My Machinery was in operation before I came from Georgia. It answers the purpose well, and is likely to succeed beyond our expectations. My greatest apprehensions at present are, that we shall not be able to get machines made as fast as we shall want them. We have now Eight Hundred Thousand weight of Cotton on hand and the next crop will begin to come in very soon. It will require Machines enough to clean 5 or 6 thousand wt. of clean cotton pr Day to satisfy the demand for next Year. I mean for the crop which comes in this fall. And I expect the crop will be double another year.

Within a few weeks a number of persons (I believe about twenty) have died, in this place with a putrid fever it appears to be very contagious and has excited very considerable apprehensions especially in the country. There are various opinions about the disorder—Many suppose it to be the same that was in Philadelphia last summer. It appears pretty certain that the disorder was imported from the W. Indies where it is very prevailant. There are but very few sick at present and if the weather should continue cool I think it will wholly disappear in a few days.

I am going to N. York this week, where I hope not to be detained long, from thence I expect to return here again. My next journey will be to Westboro' where I hope to meet you in happy circumstances. My

<sup>1</sup> Eli Whitney's step-mother. His own mother died while he was still a young lad.

<sup>2</sup> Cover addressed "Mr. Eli Whitney, Westborough, near Worcester, Massachusetts."  
Postage 12 ½ cents.

respects to Mama. I wish to be affectionately remembered to my  
 Brothers and Sister and [subscribe] myself your most  
 Obt. and Dutiful Son

ELI WHITNEY, Junr.

Mr. E. Whitney.

III. ELI WHITNEY TO ELI WHITNEY, SEN'R.<sup>1</sup>

NEW HAVEN, March 22<sup>d</sup>, 1795.

Honor<sup>d</sup> Sir,

I wrote you from New York but a few Days since at which time I was quite out of health. My health is not yet restored entirely but I am on the mending hand, and hope in a few days to be quite recovered.

I mentioned in my last letter that my business was in a prosperous train and that no disaster had befallen me. But alas, how is the scene changed! When I returned here from N. York I found my property all in ashes!—My shop, all my tools, material and work equal to twenty finished cotton machines all gone. The manner in which it took fire is altogether unaccountable. It caught fire when the workmen were gone to breakfast. The shop was swept as clean as any dwelling house the evening before, there was not a hatcrown full of fire in both chimneys, and not a bucket full of chips or shavings in all the building. The hearths were swept the last thing before the shop was left. The most probable conjecture that I can make is that it took from the broom. From the account I have collected since my return, I am convinced that it was not more than ten or fifteen minutes at most after the workmen left the shop before they returned and found the shop so completely on fire that it was impossible to save the least article out of it. It burned with amazing violence and it was with difficulty that the new building which I set up last fall was saved.

You probably have seen some account of my misfortune in the News Paper where the Damage is estimated at three thousand Dollars, but I would very freely pay ten thousand Dollars, if I had the money, to have it restored. Indeed, three thousand pounds would by no means make good my loss.

For more than two years I have spared no pains nor exertion to systematise and arrange my business in a proper manner. This object I had just accomplished. It was the purchase of many a toilsome Day and sleepless night. But my prospects are all blasted, and my labor lost.

I do not, however, despair and hope I shall not sink under my misfortunes. I shall reestablish the business as soon as possible, but [it will] be a long time before I can [repair] my loss. My Respects to Mama and love to all my friends.

from your affectionate Son ELI WHITNEY, Jur.

Mr. E. Whitney.

<sup>1</sup> Cover addressed "Mr. Eli Whitney, Westborough, Massachusetts." Postage 12½ cents.

IV. ELI WHITNEY TO PHINEAS MILLER.<sup>1</sup>

NEW HAVEN, Decem 25th, 1795.

Dear Miller,

Yours of the 27 inst has come to hand, and I am very happy hear of your safe arrival in Georgia. I am also very glad our certificates are likely to answer in a Valuable purpose.

The cotton which the English Manufacturers complain of, must have been *naturally* bad. The little knots which you mention as being made by the load or quantity carried thro' by each several tooth, are the imperfect seeds which are in the Cotton before it is put into the Machine. They are knots which *nature* has made and not the Gin. And I will bet every farthing I am worth that this same Cotton which they complained of would not have been so valuable by 50 pr. Cent. if it had been Ginned with Rollers. So that these knots will finally, when the truth comes to be known, make our Machine much the more valuable. For you know our last machines take the most of them out. You will always find the Cotton which Contains these knots, short, and of an imperfect growth.

Out of the five hundred Wt. of Cotton, of our cleaning, which has been manufactured by our manufacturers here, one Hundred Wt. was very full of these knots, and they complained of it very much; but were never so stupid as to suppose that these knots were made by the Machine in Cleaning. Since I rec'd yours I have mentioned this circumstance to Buel and Mackintosh. They say there was never anything more absurd, that it is totally impossible the Machine should produce these knots. I think you will be able to convince the *candid* that this is quite a mistaken notion and them that *will not believe* may be damn'd.

I have just been to New London and settled off the business of the David and Jot.<sup>2</sup> The charter party amounted to 260 Dolls. The wages and other expenses to about as much more. Dickinson is a Damn'd Villian and it seems everybody in New London knew it except Capt. Harris. I made Dickinson pay for ten Galls. of the rum which he drank during the Voyage and had charged to the Vessel—struck out of his account six or Eight Dollars more and settled with him. He is likely to pay dearly for abusing the Boy who went out in the sloop. There is an action commenced against him by the Boy's father. Dickinson has offered forty Dlls to settle it and avoid a trial.

I supposed the Premmium for the insurance was paid before I went to New London, so that I did not go prepared to settle it. I called on Mr. Parkin, however, and told him I would see that it was settled, shortly. So much for *Navigation*. Money is growing extremely scarece in this State, ten times so much so as when you was here. Speculation is at a stand, just at present. It is a conceded Maxim, that it altogether uncertain whether a Land Speculator is worth anything or not. And the

<sup>1</sup> Cover addressed "Phineas Miller, Esq., Mulberry Grove near Savannah, Georgia. *Mail Augusta*. Sav<sup>a</sup>. forw<sup>d</sup>. 9 febr forw<sup>d</sup>." Postage 25 cents.

<sup>2</sup> A sailing vessel in which Miller had sent seed cotton to his partner at the North; probably named David and Jonathan.

Money-lenders are very shy of a man who is concerned in the business. Jos. L. Wooster for instance, (who I believe is worth more money than when he engaged in speculation) cannot hire money so low by six pr. Cent pr. Ann. as he could before he engaged in speculation, and it makes that difference in getting his note discounted. It is my candid opinion that I could not now borrow money for carrying on our business here, so readily nor [on such favorable] terms as if you had never been [concerned] in speculation.

Our business here progresses tolerably well. We are beginning to have [plenty] of materials on hand. I think I shall make another shipment of Machines in February and one in March. My Brother is come to undertake the care of our business. I go to N. York soon. After my return I shall set about the exemplifying Models. I wish you to inform me when the suit will come to trial and of the manouvers of our enemies. I have had several pressing applications from the proprietors of the Connecticut Cotton manufactory for one of our machines to pass all their cotton through, in lieu of beating, and have promised to make them one as soon as business will permit.

Your friend and partner,

ELI WHITNEY.

N. B. My love to my Brother and inform him our friends in Massachusetts are all in usual health, and regards to all other friends.

V. PHINEAS MILLER TO ELI WHITNEY.<sup>1</sup>

MULBERRY GROVE Feb. 15th, 1797.

Dear Whitney,

The mystery of your silence is unravelled and I am much rejoiced—during my absence to the upper country your letters of 17 and 27 Nov. the 15 and 20th of Dec. and the 6th Jan. came to hand. Not one of these reached here until the latter part of January the letters by Bontacee had carelessly been retained by the person who brought them.

Your advice respecting the mistake most probably committed by the Rhode Island Factory is agreeable. My anxieties on this subject are kept awake by the large sum we have at stake. You are almost surprised that my confidence should be shaken the people here are surprised that it should not be entirely destroyed.

I think your advice good respecting keeping a supply of cotton at New Haven and New York. I have only been prevented from pinching necessities doing this heretofore and shall proceed as much as my funds will possibly admit this winter. I have indeed endeavored to extend my credit to the purchase of 40 or 50 m weight of cotton at the low price at which it is to be had at present—viz \$3.50 and for cash \$3 per hundred. I have also set on foot in common with Mr. Rupel a traffic over the mountains to the distance of three hundred miles by land, which I think will enable us to vend a few thousand weight of cotton very profitably.

<sup>1</sup> Cover addressed "Eli Whitney, Esq. New Haven, Connecticut." Postage 14 cents.

Fortunate have we been in one instance among so small a number of misfortunes in saving our cotton and samples of cotton at New York. The repeated disappointments which have yet prevented your departure for England have become so frequent that they almost cease to create surprise, and yet the evil arising from the detention is by no means diminished. I really think that it will not be best that Nightingale should engage with us until some change in our affairs can be brought about. We require at present his assistance and I should wish to make him the most liberal recompense without subjecting him to our misfortunes, in addition to his own.

It will be best to take the deposition of Goodrich and Stebbins on the subject of ratchet wheels which may hereafter be rendered useful. I fear it cannot be had in time for our Court which will sit the last of April. The name of the Patentee for the surreptitious Patent I think is Robert Homes.<sup>1</sup> The names of our Defendants, *Kennedy and Parker* and Edward Lyons. I expected you would have procured and sent on the copy of the Patent which was to be set aside. I shall now write for it myself. The order which was given to Adams for the saw mill Crank was sufficiently correct. I find by his letter that he understood it exactly as was intended—but the difficulty arose from my omitting to explain the mode of our applying these Cranks which did not appear to me necessary. It is now too late to make them—others are procured.

With best wishes for your early departure and with the regards of our family I am truly your friend

PHINS. MILLER.

VI. PHINEAS MILLER TO ELI WHITNEY.<sup>2</sup>

MULBERRY GROVE, May 11th 1797.

Dear Whitney,

To day for the first time Mr. Miller appears decidedly to be recovering from a confinement of nearly a month past. This affords a relief to my mind which enables me to sit down for the purpose of detailing to you the present situation of our ginning concern.

A constant attendance during every day of the Courts Session, without having been absent one night from home, had quite worn down my patience and health. I felt a few days of quiet perfectly indispensable to my restoration, which having obtained I feel myself once more in usual spirits.

The event of the first Patent suit after all our exertions made in such a variety of ways has gone against us. The preposterous custom of trying civil causes of this intricacy and magnitude by a common Jury together with the imperfection of the Patent law frustrated all our views and disappointed expectations which had become very sanguine.

We had the Judge with a Party to dine with us twice before the trial came on and got him fully prepared to enter into the merits of the case.

<sup>1</sup> This refers to Hogden Holmes, whose patent for "Improvement on Cotton Gin" was issued May 12, 1796.

<sup>2</sup> Cover lacking. Letter probably enclosed with the one following.

We had also got the tide of popular opinion running in our favor and many decided friends who adhered firmly to our cause and interest. Added to all this we got the trial brought on, against every measure they could devise for postponement and found them perfectly unprepared as to a knowledge of the strong grounds of their cause and without a single evidence in their favor. We were on the contrary pretty well prepared and neglected no means to become as much so as possible. An instance of our exertion in this respect I will just mention to you. It happened during the trial that a Paper was required to fix the amount of damages which had been left at this place among my other papers. The necessity for this paper appearing very great, Mr. Nightingale immediately mounted my best horse, in the middle of a very hot day came to this place, examined my chest, draws, &c., and after a search of nearly half an hour, laid his hand on the paper, remounted his horse, on his way back met a fresh horse I had sent for his relief; and returned to the Court house in just two hours and forty minutes from the time he had left it—the paper came in time to procure admittance to the evidence we had brought, it being an agreement with Peter Robinson and was necessary to support the testimony of W. Shubert of Waynesborough. So that we had the cause well supported, and brought as much within the law as the nature of the trespass would possibly admit. The judge gave a charge most pointedly in our favor, after which the Defendant himself told an acquaintance of his, that he would give two thousand dollars to be free from the verdict—and yet the jury gave it against us after a consultation of about an hour. And having made this verdict general, no appeal would lie, on Monday morning when the judgment was rendered we applied for a new trial but the judge refused it to us inasmuch as that the Jury might have made up their opinion on the defect of the law which states an aggression to consist of *making devising* and using, or selling, and we could only charge the defendants with using. In a private conversation had with the Judge afterwards, he told me that we could have no hope of protecting our Patent rights without an alteration of the law, which he had no doubt but Congress would make for us; on application. Thus after four years of assiduous labour fatigue and difficulty are we again set afloat by a new and most unexpected obstacle. Our hopes of success are now removed to a period still more distant than before, while our expenses are realized beyond all power of controversy. The actual crisis has now arrived which I have long mentioned as possible, and sometimes almost or indeed quite apprehended as probable. This crisis is our insolvency as a Partnership. At the present time I have no idea that any person would chance our engagements to have the whole benefit of our patent, with all the property of which we have possessed ourselves under it. In this unfortunate dilemma I am however far from despairing, or being in bad spirits, since I do not consider the acquirement of property as the greatest blessing or the loss of it as the greatest misfortune which we can experience. I am even willing to make the same unremitted exertions to our mutual benefit, and still to pursue the fleeting prospect. The honor-

any engagement which Mr. Nightingale<sup>1</sup> considers himself to have made for the [Junction] of our interests will induce him still to connect himself with our affairs in such a manner as would be more favourable than we could otherwise command. The severe indisposition of Mrs. Miller which has produced so much anxiety and confinement from me has hitherto prevented our fixing the terms of agreement but we shall now shortly set about it. Without such an agreement it will be quite impossible for us to proceed one step further in our concerns. For we have no possible resources to meet the demands which stand against us but from the proceeds of Nightingales and my speculation, and this cannot be diverted from his and my private engagements without a junction of his interest to justify such diversion.

Never indeed was the application of money rendered more distressful than it has been to the support of our unfortunate business. You recollect that the small sum which our necessities compelled me to take from the Estate of Gen. Greene I frequently mentioned the necessity of having returned in the course of the present winter. In this necessity I was not mistaken. My last letter from our Creditors in Charleston which was received some time ago, I enclose to you that you may perceive the exact situation of his claim and that we have very little chance of lenity. At the time when this money was taken for our use, I was under the necessity of acquainting Mr. Rutledge that we would certainly indemnify the Estate for any injury it might sustain in consequence of this diversion of its funds. Then you see our difficulties accumulating on every side in consequence of our repeated and continued disappointments and our prospects of success still keeping at a distance—and hence you will perceive a rational source to have existed for the despondency which you have sometimes seen me disposed to feel as respects the Copartnership concerns. If the greatest of our difficulties that of the bad reputation of our cotton could be but once removed, we could however still hold up our heads against the lawless state in which we have the misfortune to carry on our concerns as well as against the enemies of every kind who have conspired our ruin.

The acquirement of money from the speculating concerns of N. and myself would also greatly assist us, in one or other of these resources I will still rest our anchor of hope.

The family all join me in most affectionate regards to you and kind remembrances to your brother.

Your friend and Partner,

PHIS. MILLER.

<sup>1</sup> Nightingale was a son-in-law of Mrs. Miller (Mrs. Greene). He was a man of property who had speculated largely in Yazoo lands as had also Miller himself. Financial support was expected of Nightingale by Miller and Whitney, but just as he was about to embark in the enterprise his affairs became so embarrassed that he was obliged to give up all hope of helping the firm. Oimsted, *Memoir of Eli Whitney*, p. 24.



VII. PHINEAS MILLER TO ELI WHITNEY.<sup>1</sup>

MULBERRY GROVE May 12th.

Dear Whitney,

I wrote you a short detail of our affairs yesterday. I have concluded as this letter will go by water to New York to send you some part of the statements made to our counsel. My principal communications to them were however verbal. I had also prepared myself to speak on the cause and had obtained the consent of the Judge to address the Jury, but at the time it appeared inexpedient, for the trial took up the whole day till five o'clock in the afternoon, and as the Audience, the Jury and Judge himself appeared quite exhausted and to stand much more in need of a dinner than of elaborate arguments I recollected Goldsmith's character of Edmund Burke, "who went on refining, and thought of convincing, while they thought of dining." So I kept my speech to myself and left the case to stand by its merits which appeared to be decidedly in our favour. But we have had great reason in this as well as our other affairs to moralize on the uncertainty of all *sublunary things*, a truth which is not very difficult to perceive without the faithinspiring eyes of a christian. I would not however apply it to the comparative advantages of a future life, nor to recommend for your consolation the prospect of an advantageous compromise by being admitted sole cotton ginner to any of the departments of old Pluto, but simply to recommend that we take the affairs of this world patiently, and that the little dust which we may stir up about cotton may after all not make much difference with our successors one hundred, much less one thousand years hence.

Mr. Nightingale purposes to leave this for some parts of the Northern States in about four weeks, when we shall make our decampment for the summer. But the place where we shall erect our barrack or pitch our tent still remains suspended by the opinion of the French directory, whose decision respecting the molestation of our sea coast we have not yet learned. I am very truly

Ever your friend and partner

PHINS. MILLER.

VIII. PHINEAS MILLER TO ELI WHITNEY.<sup>2</sup>

WHITMARSH July 21st, 1797.

Dear Whitney,

I have just received your favor of the 25th Ultimo and am very happy to find that the evidences of the quality of our cotton still continue to accumulate upon you. For I have been so long and so continually placed in the very vortex of error and prejudice, of complaint and abuse respecting our unfortunate cotton gins, that some new evidence against a suspicion of insanity would seem requisite, to enable me to stand thus alone in opposition to public opinion. The instances you quote in favor

<sup>1</sup> Cover addressed "Eli Whitney, Esqr. New Haven, Connecticut." 2½ oz. Postage 104 cents.

<sup>2</sup> Cover addressed "Eli Whitney, Esq. New Haven Connecticut. Sava. 21. July." Postage 25 cents.

of the operation of the Gins seem pertinent and convincing. How great! very great would have been our acquirements could this opinion have been universal. I am much pleased that the few bags of cotton I sent you seem so well approved. They consisted of the tale of cotton which I had not money to purchase. The quality of this cotton was partly the common green seed of the country partly the *Nankeen* or [*Per-nambuco*] cotton and a small quantity of black seed intermixed. Nightingale has some few bags of the same quantity with him, and some which has come from the upper country with the quality of which I am unacquainted. It was received by Capt. Toole for the Nott, and of course N. will be obliged to pay Josiah out of the proceeds.

The engagement which I mentioned to you of my Classmate Goodrich<sup>1</sup> is simply this. That when he shall have concluded the business of Mr. Nightingale for which he went into the upper part of this state—He is to proceed to Knoxville where we were informed that Cotton was saleable and make such enquiries as appeared to him the most judicious on the subject. From whence he was to proceed to Nashville and the Cumberland Settlements, and make himself acquainted with their culture of cotton and mode of cleaning it, and of the prospect of success which would attend an attempt to sell our machines there. From thence he was to proceed to Kentucky on the same business and then return by the back parts of Virginia for the purpose of looking for an inland market for the consumption of cotton of our ginning. If he should meet with any encouragement in these pursuits we shall come into some agreement for his future exertion in our business but if not he is to lose his time and we his traveling expences.

Mrs. M. joins in best regards to yourself and brother, with  
Your friend and partner,

P. MILLER.

IX. PHINEAS MILLER TO ELI WHITNEY.<sup>2</sup>

WHITMARSH, Sept. 28th, '97.

Dear Whitney,

It is now a very long time since I have had the pleasure of hear from you excepting by the letters of Mr. Nightingale. I know very well from much experience that embarrassments debts duns and difficulties present obstacles of the most unpleasant kind to the practice of writing. But I have endeavored to reconcile myself to bear and forbear under the pressure of these evils. It is to be sure a mighty reverse of fortune that we have experienced, and after all our precautions we seem likely to present another example to the discouragement to the use or Patronage of genius in mechanics. A small ground of hope is still left however for our perseverance. If our pride could be made to condescend to make

<sup>1</sup> Russell Goodrich, who subsequently became agent and attorney for Miller and Whitney.

<sup>2</sup> Cover addressed "Eli Whitney, Esq. New Haven Connecticut." Postage 14 cents.

terms with that ignorant low fellow Lyons, and to submit to be shuffled about by the whims of the populace I do not know but it might operate to our pecuniary advantage. They continue to clean great quantities of cotton with Lyon's Gin and sell it advantageously, while the Patent ginned cotton is run down as good for nothing. My best friends have actually advised me to make use of Lyon's improvement as they *universally* term it, in order to avoid any injury to the staple. Indeed there is so large a portion of the world who are either knaves or fools, that honest and virtuous men are sometimes obliged to move on without assistance in the amount which they give to human affairs. With respect to money and expectations on that subject I am just as formerly, borrowing for current expences without any prospect of making payment excepting by the proceeds of the property of the Estate which I think must suffer heavily under the diversion of its funds which I have already made, in the constantly expected sacrifice of the Carolina estate. I do not even know why it has not been 10% at question.

Pray write me on the subject of my late communication, and also furnish the statements of our accounts. I have a man employed at high wages to bring up them, and other accounts, whom I mean to discharge the instant this is done, and I should be sorry to wait for yours, which we must do within a fortnight from this time, for the Accounts cannot be balanced with any propriety while blanks remain to be filled up. I hear nothing of my bargain with N. Mrs. M. joins in affectionate regards and best respects to your brother with

Your friend and Partner, PHIS. MILLER.

N. B. In taking the titles to the Place which I received on the Partnership account from Durkee, I have as yet let them stand in my name, specifying in my books that they were held in trust, on account of making a legal reconveyance should it be required.

X. ELI WHITNEY TO PHINEAS MILLER.<sup>1</sup>

NEW HAVEN Oct. 7th, 1797.

Dear Miller,

The extreme embarrassments which have been for a long time accumulating upon me are now become so great that it will be impossible for me to struggle against them many days longer. It has required my utmost exertions to *exist* without making the least progress in our business. I have labored hard against the strong current of Disappointments which has been threatening to carry us down the Cataract of distruction, but I have laboured with a shattered oar, and struggled in vain unless some speedy relief is obtained. I am now quite far enough advanced to think seriously of settling in life.<sup>2</sup> I have ever looked forward with pleasure to a connection with an amiable and virtuous companion of the other sex.

<sup>1</sup> Cover addressed to "Phineas Miller, Esq. Savannah, Georgia." Postage 25 cents.

<sup>2</sup> Whitney at the time of this writing was thirty-two years of age. He did not marry until 1817.

It is a source from whence I have expected one day or other to Derive much satisfaction and rational enjoyment. I would not be understood that I have or have ever had any *particular* person in view. Pointed attachments of this kind I have studiously avoided, because I have never been in circumstances that would allow me to enter into such a connection. The situation of our affairs for three or four years past has been such as made it necessary that I should hold myself in readiness free from any embarrassment, to go into foreign Countries for the promotion of our mutual interests. You have yourself several times expressed to me your apprehensions that I should get married and by that means be prevented from prosecuting our business in the way which appeared most advantageous. The accomplishment of my tour to Europe and the realization of something which I can call my own appears to be absolutely necessary, before it will be admissible for me to *even think* of matrimony. Three years have already elapsed since the former of these was to have been begun and in that case it would have been finished before this time. There is a greater prospect that it will be delayed three years longer than there was at that time that it would be delayed till now. Probably a year and a half at least will be required to perform that Tour after it is entered upon. Life is but short at best and six or seven years out of the midst of it is to him who makes it, an immense sacrifice. My most unremitted attention has been devoted to our business. I have sacrificed to it other objects from which, before this time, I certainly might have realized 20 or 30 Thousand Dollars. My whole and sole prospects have entered in it, with an expectation that I should ere this time have realized something from it. You and Nightingale have formed happy and amiable connections. You have estates, separate from this to which you can look for support. And tho' you are under some temporary embarrassments you are enjoying life. You have devoted no inconsiderable part of your attention to other business since ours was undertaken. After all these considerations, can you think it strange that I should be desirous of realizing something, or at least of making such arrangements in the disposition of a part of our concern to Nightingale as will enable me to realize something by and by?<sup>1</sup> Can you be surprised if I am unwilling to put our business on such a footing as shall oblige me to pay my whole attention to it for seven years to come without a prospect of realizing anything from it till the expiration of that time? Of what value is property to me without any prospect of enjoying it? It is better not to live than to live as I have for the last three years past. Toil anxiety and disappointment have broken me down. My situation makes me perfectly miserable. Yet my ideas of the utility of the invention and the emoluments of our business (if rightly pursued) are not in the least abated.

<sup>1</sup> Whitney's desire was that on a sale of a part of the interest of the firm of Miller and Whitney he himself should retain a portion of the proceeds of such sale as his private property. "The involved state of the company concerns was such that Mr. Miller would not consent." Olmsted, *Memoir of Eli Whitney, Esq.*, p. 26.

You may perhaps conclude from what I have said above that I am in a foolish tease to get married, but you can readily conceive that a person who has no idea of marrying immediately, might be very unwilling to enter into obligations or put it out of his power ever to marry. If this letter should appear incoherent and foolish my circumstances will be some apology for me. I address it to you as a friend and a man of candor. I am willing to do anything in my power to promote your happiness at the sametime I cannot be indifferent to my own. I am too much confused and perplexed to write any particulars of our concerns. Arrangements with Nightingale remain just as they were when he left you. Instead of his helping me to money I have been obliged to let him have some tho' it was a mere trifle but ten Dollars is more to me than 300 was two years ago. I had rather be out of Debt and out of business without a shilling than be in a situation half so much embarrassed as my present one. I could write another sheet but it would add to your expences without giving you any satisfaction. With best regards to Mrs. Miller and wishing that we may all see happier Days I am

Your friend and partner,

ELI WHITNEY.

XI. ELI WHITNEY TO JOSIAH STEBBINS.<sup>1</sup>

COLUMBIA S. CAROLINA

Dcem 20th 1801.

Dear Stebbins,

I have been at this place little more than two weeks attending the Legislature. They closed their sessions at 10 oClock last evening. A few hours previous to their breaking up they voted fifty thousand Dollars to purchase my patent right to the Machine for Cleaning Cotton, 20 Thousand of which is to be paid in hand and the remainder in three annual payments of 10 thousand Dollars each. This is selling the right at a great sacrifice. If a regular course of Law had been pursued, from two to three hundred thousand Dollars would undoubtedly have been recovered. The use of the machine here is amazingly extensive and the value of it beyond all calculation. It may without exaggeration be said to have raised the value of seven eights of all the three Southern States from 50 to 100 pr. Cent. We get but a song for it, in comparison with the worth of the thing, but it is securing something. It will enable M and W to pay all their Debts and divide something between them. It established a precedent which will be valuable as it respects our collections in other States and I think there is now a fair prospect that I shall in the event realize property enough from the invention to render me comfortable and in some measure independent. Tho' my stay here has been short I have become acquainted with a considerable part of the Legislature and most distinguished characters in the State.

<sup>1</sup> Cover addressed "Josiah Stebbins Esquire, Post Master, New Milford, Maine Dist. Massachusetts." Postage 25 cents. Josiah Stebbins, subsequently Judge Stebbins of Maine, was a classmate of Whitney's in Yale College, and a life-long friend of the inventor.

Our old school mate H. D. Ward is one of the Senate. He ranks among the first of his age in point of talents and respectability. Is married, has a handsome property and practice in his profession. He has shown me much polite attention as have also many other of the Citizens. I wish I had time to write you more frequently and more lengthily. I go to Georgia for which place I shall start tomorrow. With best regards to Laura I am &c

ELI WHITNEY.

J. Stebbins Esq.

XII. ELI WHITNEY TO CHARLES COTESWORTH PINCKNEY.<sup>1</sup>

RALEIGH NO. CAROLINA Decmr. 8th, 1802.

Sir,

I have been this moment informed by the Honourable Mr. Rutledge that some of the citizens of South Carolina are dissatisfied with regard the purchase of our Patent right to the saw Gin, by that State. Feeling a conscious rectitude on my part in everything which relates to the whole transaction from beginning to end, it is with extreme regret and mortification that I am by any one accused with any omission or neglect. I understand from Mr. Rutledge it is alledged that we have not delivered according to agreement the two models refunded such monies and obligations as we or our agents had recd. for Licenses to use machines. It will be observed that by the act of the Legislature Relative to the purchase no time is mentioned in which these stipulations are to be performed. It was my understand thro' the whole negotiations at Columbia and I supposed it to have be the understanding of the Legislature that we should refund said monies and obligations to those individuals of whom we received them, and I had no expectation of any other mode till I went to Charleston, some weeks after the sitting of the Assembly for the purpose of delivering our title deed to the comptroller. I had been informed by Mr. Miller and by our agent Mr. Goodrich, that two Hundred Dollars which had been received from yourself, was all the cash which had been recd. from any citizen or citizens of So. Carolina for any license. This money it was my intention to have repaid to you immediately on the receipt of my first payment from the Comptroller. But when I came to converse with the Comptroller it appeared that it was his understanding that the sd. monies and obligations were to be delivered over to him for the use of the state and he required of me an obligation that they should be delivered to him by the first of September next ensuing, and which Mr. Miller pledged himself to me he would do and it ought to have been performed and is a neglect of duty on the part of Mr. Miller, and we are bound to make good any injury which this neglect may have occasioned. As to the Models I believe it has been the understanding of the Gentle-

<sup>1</sup> This letter is from a copy in Eli Whitney's handwriting of a letter sent by Whitney to Pinckney by post. Whitney was introduced to General Pinckney by letter furnished him by Gov. Oliver Wolcott of Connecticut on the occasion of his visit to South Carolina for the purpose of selling his patent right to that State. Pinckney seems to have aided him somewhat in accomplishing this purpose.



men at the time, that I should furnish them as soon as my previous engagements would allow me an opportunity to make them. It was proposed that I should engage to deliver them previous to the [next] session of your legislature. I declined stipulating to furnish them at so early a period observing it was doubtful whether it would be in my power to perform it, that I was desirous those models should be constructed in the best manner, and contain some improvements which have never yet come into general use; that in this case I should have no other alternative but to make the models myself, there being now no machine in existence after which I could employ workmen to copy; that by a previous undertaking I was pledged to the government of the United States and could not consent to engage to do a thing which I might not have it my power to perform. Mr. Hamilton, the Comptroller will I presume recollect this to be the import of a conversation which passed between him and myself at the time we engaged to deliver to him the monies and obligations which we had recd. from individuals and that from these considerations I declined engaging to deliver the Models within the time in which the other stipulation was to be performed, and it will be observed that the engagements which I have entered into with the Comptroller does not require the Models to be delivered at the same time the monies are to be refunded. I always have intended and do still intend to improve the earliest possible opportunity to compleat these models in the best manner of which I am capable and I shall undoubtedly have it in my power to do it and deliver them before another session of the Legislature. If I could have purchased them for money at any price that should have been furnished before this time. I might perhaps have furnish models which would have exonerated me from this part of the contract, not to have furnished the best which I conceive could be made I apprehend would have been improper. I have certainly been actuated by the best of motives and if I have done wrong I must say I am not sensible wherein.

Permit me to ask the favor that you would speak to the Comptroller on the subject and name the circumstances to any Gentlemen who may feel any dissatisfaction. I would come to Columbia before the rising of your Legislature if it were possible, but it will not be in my power. By the Direction of the Secy. [of War] I go from this in a few days to the site fixed upon by the General Government for the establishment of a manufactory of arms upon the Cataba River in your State. This armoury is to be erected by and carried on at the expense of the U. States. The object of my visit to that place is only to advise with Coln S[?] as to taking out the water, locating the buildings &c. I shall not be there more than a week or ten days and return direct to Connecticut. I shall immediately after my return proceed on in making the models for So. Carolina the materials for which I began to collect six months ago. Assure the citizens of South Carolina that I entertain the most zealous and cordial disposition to put them in full possession of every possible improvement on that invention from which they have already derived such immense advantages.



Pardon the liberty which I have taken of addressing you on this occasion and believe me with

Sentiments of high Respect

Yr very Obdt Servt

ELI WHITNEY.

The Hon. Charles C. Pinckney, Esq.

XIII. PHINEAS MILLER TO PAUL HAMILTON, COMPTROLLER OF SOUTH CAROLINA.<sup>1</sup>

CUMBERLAND ISLAND, Jany. 19th, 1803.<sup>2</sup>

Sir,

Your favor of the 3d Nov. last came to my hands at the moment of my departure for the upper Country, from which I have but lately returned. The sensations of Surprise to which your letter gave rise, and the perfect astonishment produced by the extraordinary proceedings of the Legislature of your State, were too great to allow me to comment upon, until a moment of leisure should arrive, and even now I am at a loss what to think of a decision so new in any kind of public proceedings. I acknowledge as a favor the explanation of the motives which induced you to adopt the measure which has terminated in so much injury and injustice because the explanations appear to be candid, and I presume the same candour will be exercised towards the comments to which your observations have given rise. And as a very large sum of money to individuals on the one part and the faith and justice of your State on the other are implicated by your official conduct I flatter myself you will indulge me in making a full statement of this important case, from which it will the more clearly appear whether the opinions I have adopted or those I have to controvert, are the best founded in principle and justice. With this indulgence I will then proceed to observe—

That in the fall of 1792 Mr. Eli Whitney whose Mechanical talents have since acquired him so much celebrity, first came to this State. The culture of the Green Seed Cotton had then just commenced as a Crop in the Upper Country, and two or three Million of pounds of this article in the seed, had been raised and picked in from the field, but for the want of a suitable Gin but a small part of it had been prepared for Market. In this situation of things as Mr. Whitneys uncommon talents began to be known he was urgently and repeatedly importuned to turn his attention to the discovery of Some new method of seperating this kind of Cotton from the Seed and thereby preserving an invalueable staple to the Southern States. To this he at first objected on account of the great expence and trouble which always attended the introduction of a new invention, and the difficulty of enforcing a Law in favour of Patentees in opposition to the individual interest of so large a number of Persons as would be concerned in the culture of this article. To which it was urged that justice might be obtained in the Federal Courts at all events

<sup>1</sup> From a copy of the original signed by Mr. Miller.

<sup>2</sup> Mr. Miller died before the expiration of this year.

in the Seaport Towns, and that in case of complete success the gratitude of the country towards so distinguished a benefactor would certainly be sufficient to bear down the small number of selfish and interested Men who should be willing to defraud him of his right; and being fully convinced myself of the correctness of their opinions I joined with those who entreated Mr. Whitney to turn his attention to this important object—but as he still seemed doubtful of the propriety of giving up the pursuit of a lucrative profession for which he had been destined to throw himself on the gratitude of a country or even on the support of a Law which was untried in effect I superadded the inducement of offering to become his joint adventurer in the attempt, and to be at the whole expence of maturing the invention until it should be Patented, with which offer and the united entreaty of all our friends, he at length with much reluctance complied, and soon afterwards with a great display of original Talent perfected the invention. The principle of which consists in the use of Teeth to work between passages or divisions of a breast work too narrow to give passage to the seeds and of a Brush to detach the cotton from the Teeth. Among the various modes which at once occurred to his mind of constructing these teeth for use, one was to cut them on a plate which should work perpendicular or horizontal rectilinear motion like a saw. Another was to cut the teeth on circular plates of Iron which should work in the manner like the present Gin used in the Upper Country. Of the last of these methods he made a partial trial by the construction of several Machines, but rejected it as inexpedient for common use, from the danger of doing an injury to the Staple of the Cotton, as such plates whenever they should come in contact with the sides of the breast work would cut such part of the Staple of the Cotton as should intervene, and their unyielding firmness would also force through the Breast work any bunches or lumps of the cotton which by damp weather, or foul particles, should have a tendency to clog the Machine. On these and some other accounts he preferred a less degree of dispatch accompanied as he believed with other superior advantages in the use of wire Teeth set in wood, to work through a Breast work of composition mettle, in the construction of which more ingenuity has been displayed than in any other part of the Machine. And among all those Mechanics who have claimed merit for their ingenuity in executing clumsy models of his invention no one as I can learn has attempted such a Breastwork. It was soon found however on experience that the teeth cut in circular plates could be made by an ordinary Smith, and the Machine be put together by a common Carpenter which would execute more work in a day than the best Machines with the improved breastwork constructed with wire Teeth, and a little injury more or less done to the Staple of the Cotton could not well be discovered until it should arrive at the Manufactory in Europe, and then it would be too late to comment on the mode of Ginning. If any credit be due to any one for introducing into common use this particular variation in the Saw Gin and thereby contributing to deprive the Patentees of the immediate profit of their invention to the ingenuity of Mr. William Longstreet

of Augusta, who conversed with me fully on the subject of the invention soon after it was brought into use, and whose candour as well as Mechanical Talents is too great to allow him to claim any merit or reward for opposing the prevailing opinion of the inventor in this particular. The original invention when constructed in either of these ways was an acknowledged improvement in the mode of freeing Cotton from the Seed, which saved at least nine tenths parts of the labour consumed in any process of the kind heretofore known. If the whole labour therefore of cleaning out a crop of Green Seed Cotton by rollers were fairly computed nine parts of this would, by law, be the property of the Patentees of the new invention, but as no planter would be at the trouble to bring into use the property of another without benefiting himself, a fair and equal division of this profit between the planter and inventor would be just and reasonable as regarded both the parties, and experiments have fully shown that the whole saving in this process effected by the introduction of teeth, instead of Rollers, is at the lowest estimation equal to one-fifth part of the whole Cotton so cleaned, and this estimation is indeed so low that before time was allowed to introduce the invention into the Upper Country it was common for the Planters to Waggon their cotton in seed one hundred and fifty Miles, and then give a fourth part to have it cleaned in this manner, and as I wish to be quite within bounds in continuing an estimation of this kind, I will suppose that the state of South Carolina have raised and cleaned out with the Patent Machinery including the present crop as much as Ten Million pounds clean cotton and that this has been worth to them an average of at least Sixteen Cents per lb., and as one fifth part of this is a nett gain by the Patent invention, it follows that the planters of that state have thus already gained an actual profit of at least Three Hundred Thousand Dollars by this important invention independent of the various advantages of extending through the Country a culture which must otherwise have remained confined to a few individuals. It is also probable that in the Six years of the Patent yet unexpired, the State will raise and clean out at least Ten Millions more of this species of Cotton which will superadd the further sum of Three Hundred Thousand Dollars to the profit of the invention. The one half of which two sums being the sum of three hundred thousand dollars would by every principle of Law and justice rightfully belong to the Patentees, but as this would accrue annually during the term of fourteen years it would be but reasonable that a Legislature which would assume the payments at short periods, should receive an abatement in the price. It was consequently Stated to the members of the Legislature of your State that the sum of Two Hundred Thousand Dollars would be just about the sum that a full acknowledgement and sanction on their part, of the rights of Law and the principles of justice would require them to give; and on the part of the Patentees it was a sum with which their reasonable expectations ought to be satisfied. At the sametime, it was well known that the original apprehensions of Mr. Whitney had been more than realised by the opposition to the Patent Law which had already taken place in this

State. That a Governor<sup>1</sup> in his communication to the Legislature had endeavored to arrange the popular passions and prejudices (already stimulated by motives of interest), on the side of this opposition; and that the Patentees were in great danger of finding the principles of Law and justice too feeble a barrier against such a tide of popular opinion; especially where the jury would oftentimes be interested in the result of their own decisions. Under these discouraging appearances the Patentees would have been very well satisfied to have given up to the Legislature the one half of the real value which they ought to have received for this property, and had flattered themselves that a sense of dignity and justice on the part of that honorable body would not have countenanced an offer of a less sum than One Hundred Thousand Dollars. Finding themselves however to be mistaken in this opinion, and entertaining a belief that the failure of such negotiation after it had commenced, would have a tendency to diminish the prospect already doubtful, of enforcing the Patent Law, it was concluded to be best under existing circumstances to accept the very inadequate sum of Fifty Thousand Dols. offered by the Legislature and thereby relinquish and entirely abandon three fourths of the actual value of the property. In closing the bargain for this amount, it is true that Mr. Whitney agreed to two conditions, which you mention, the one of which bound the Patentees to the return of the Notes of money received from individuals for the Sale of Licences, the other to the construction of two Models of the Machine by Mr. Whitney. In respect to the first of these conditions it is admitted to have been uncomplied with at the time stipulated by the Patentees for which the following reasons are offered—In the first place I had supposed that the money and specialties would have been returned to the Persons from whom they were received respectively, but at all events it was expected that Mr. Russell Goodrich the special agent of the Patentees would have attended to the fulfilment of this stipulation, but unfortunately he went a Journey into the State of Tennessee and to the Natches, where he was detained by indisposition and other unexpected events until the time had elapsed for the payment. This failure then being admitted, it only follows to ascertain the amount to which the legal or equitable forfeiture of the Patentees could fairly extend. In respect to the notes, no possible injury could arise to the drawers or to the state of So. Carolina by their detention. Since timely information was furnished that they were kept in safety and would certainly be given up. In respect to the money they detained, the amount is exactly \$580, and inasmuch as the extraordinary measures of your Legislature were about taking place at the arrival of Mr. Goodrich, his journey has been delayed by some subordinate circumstances so that he will probably have the honor to wait on you with this money about the first of next month which will extend the detention to five months, the interest of which for this period of time amounts

<sup>1</sup> Governor James Jackson, of Georgia, who had recommended in his message to the legislature that they either pay moderate compensation to Miller and Whitney for their patent right, or else suppress the patent.

to a little short of Twenty Dollars, and this sum very small and trifling as it is, is all that a court of law or equity would allow for the failure of a similar engagement between individuals, and it can hardly be supposed that the State of So. Carolina would avail itself of the power of State Sovereignty to make a greater exaction. But if the amount of 20 % per an. were required the damages would extend to no more than \$50 which never would have been made a source of complaint by the Patentees.

In respect to the second condition of the contract, I have just received a letter from Mr. Whitney who expressly says that he did not stipulate to deliver the Models by the first of Sep., but on the contrary that he refused to be bound by such a condition but that he expected to make them as soon as the pressure of his other business would allow, hence it appears in respect to this part of the contract that a verbal misunderstanding took place between yourself and Mr. Whitney, and that he has never believed any failure to have taken place on his part. But even admitting that your recollection of the conversation that passed between you and him was correct, and that he had been actually bound by such a mutual understanding to have the Models delivered by the first of Septem., what then would have been the damage accruing from a failure of this engagement? The citizens of the State of So. Carolina are already in complete possession of the principle of the invention together with the opinion of Mr. Whitney as well as that of Mr. Longstreet and others, as to the most expedient method of using it, and a net profit appears to have been made from it hitherto of not less than Three Hundred Thousand Dols. What then could have been fairly expected from an inspection of these two Models? Nothing more surely than a more neat and handsome method of constructing a well known machine, on a principle which has been in use for eight year than could be expected from the mechanics who are in the habit of constructing those kind of machines in the upper Country. But if the State of So. Carolina purchase an invention for the sum of Fifty Thousand Dollars which is worth at least Six Hundred Thousand, and are disappointed as to one fourteenth part of the time of the right of such purchase, in being shown how to construct the Machines depending on such invention, in a better manner than those in common use; how much will indemnify them for their supposed loss? If the citizens of that state had altogether been debarred from the use of the invention for the fourteenth part of the time for which it had been purchased, the proportion of loss might be easily calculated. But instead of having suffered any injury to this amount, it will appear I presume on examination that the Citizens of So. Carolina have made a net profit out of the use of the invention the last season of at least fifty Thousand dollars. Under these circumstances it is really matter of great surprise that it ever could have been supposed the purchase was made at a high price, or that the subsequent neglect of the Patentees could be thought of adequate importance to justify the detention of the purchase money. But much more is it the subject of astonishment that the Legislature of a State could not only proceed to sanction such a measure, but to pass

a resolution as I am informed they have done, directing a detention of the whole Balance of money due the Patentees, and ordering a suit to be commenced for what has been already paid and that an *ex post facto* measure of this magnitude in violation of an absolute contract and of a ruinous effect to the individuals who have furnished the Citizens of that State with an invention whereby they have been enriched by Millions for a cause so very unimportant. That is to say, for the damages of Twenty dollars in money, and the doubtful construction of the word *reasonable* as to which the Comptroller of the State and one of the Patentees have misunderstood each other, and which second amount of damage could not possibly have amounted to anything more than the loss of some small improvement in the invention for the term of one year.

But it has been privately reported and in a manner to gain belief, that the representations of a man by the name of Hodgen Holmes acquired so much credit with the legislature as to form a part of the secret ground of their proceeding. If this be true, the circumstance is not calculated to lessen my astonishment, that a Legislature should form themselves into a court of equity on the subject of their own contract, and in this capacity not only to listen to accusations against the other contracting parties, but to accuse and condemn them without a hearing. It is at all times difficult to meet accusations which are *ex parte* however false and groundless they may be. But I will take the liberty to state a few facts relating to this Hodgen Holmes which may serve to show how much confidence ought to have been placed on his representations.

Sometime after the Patent Machines of Miller and Whitney had been in use, this man availing himself of an examination of these machines and of some plates of Iron which had been cut into teeth for a similar Machine by another Person<sup>1</sup> at Augusta, proceeded to construct a clumsy Modal of the Machine already Patented And as no discretion is lodged with the Secretary of State in the execution of this trust, a Patent was issued to him on the Attestation which he ventured to forward with his Modal. The palpable imposition of this surreptitious encroachment on our right was so apparent as to induce us at first to take no measures to procure a legal interdiction to his pretensions, but having at length discovered that he was likely to be used as a tool to injure us without benefit to himself we caused an action to be instituted to set aside his Patent, which was determined against him on demurer by the Judge of the district Court at the last November term from which he did not appeal. During the pending of the action, he became satisfied with his improper encroachment on our right and offered to give up his surreptitious Patent, to pay the expences of the Action, and to give us the sum of two hundred Dollars for the use of a machine if we would withdraw the suit, to which we agreed and now hold his Notes for Two Hundred Dollars in part of his compliance with the agreement. But afterwards on his refusing to pay the expences of the suit it was continued and terminated as before mentioned. And it was after this pretention of his

<sup>1</sup> Perhaps this other person was Col. Bull.



had been Legally set aside, that he was advised to go to the Legislature of So. Carolina to see what could be don against Miller and Whitney. I had been previously informed that a certain popular character in this state<sup>1</sup> had boasted of his power to cause the contract for the purchase of the Patent in So. Carolina to be set aside, and I must acknowledge that the apparent gasconade and absurdity of such a threat left no kind of apprehension on my mind, merely because it was the State of So. Carolina instead of Georgia in which the comptrolling power was lodged.

Among the other sources of injury to the credit if not to the right of this discovery, I have lately heard that the pretensions of a Mr. Lyon have again been revived. We had supposed that his vanity and weakness on this subject had ceased to engage the attention of any man of sense. It is within our power easily to prove his Mechanical labour was subject to the direction of a much wiser head than his own; it is also been said that the vanity of some other country Mechanics has prompted them to claim a part of the credit if not the right of the invention. Some other unfounded reports are also said to have gone into circulation bringing into question the originality of the invention on the part of Mr. Whitney.<sup>2</sup> But if a property of this importance and magnitude which ought at least to be as much under the guardianship of the Laws, as any real estate, is to be held at the mercy of every popular report, fallacious indeed is the encouragement held out by Government for improvements in the arts.

You will please to excuse the prolixity into which I have been insensibly led in the preceeding observations, and if the expressions of my feelings should appear to be too free of restraint I must trust to your liberality to take into view the peculiarity of my situation, and to consider it as no common injury to be thus suddenly deprived of so large an amount of property which the labour of eight years and a large sum of money have been expended in securing. And at the same time you will accept my assurance that no intentional offence would ever willingly be offered, either to your official or private capacity by your respectful

and obe. servt.

PHINS. MILLER.

XIV. ELI WHITNEY TO JOSIAH STEBBINS.<sup>3</sup>

WASHINGTON CITY, 6th March 1803.

Dear Stebbins,

I cannot now tell what, from whence, or when, I wrote you last. I have been here three weeks, and am now laying up to regain the health of which the severity of this winter's tour has deprived me. I am thus far

<sup>1</sup> Possibly this reference is also to Gov. James Jackson.

<sup>2</sup> Immigrants to the United States from Ireland and England asserted that in the flax and cotton factories of those countries they had seen machines similar to Whitney's gin, which were used for preparing these textile materials for manufacturing purposes. Dr. Cortes Pedro Dampiere also testified before a committee of the South Carolina legislature that he had seen in Switzerland a machine similar to Whitney's which was used for picking rags to make lint and paper. Olmstead, *Memoir of Eli Whitney, Esq.*, p. 32.

<sup>3</sup> Cover addressed "Josiah Stebbins Esquire Post Master New Millford District Maine. *Mail.*" Postage 25 cents.



on my return from So. Carolina and hope in three or four days to be able to proceed on to Connecticut. The weather this season has been constantly and suddenly changing from one extreme to the other, which has rendered this journey very tedious and fatiguing. I had some business to negotiate here which I have been so fortunate as to accomplish entirely to my own satisfaction. My contract to manufacture 10,000 stands of Arms was really a very arduous undertaking. There is yet much to be done to compleat it. I have hitherto gone on no faster than I could go safe. It has been an important object with me to persuade the administration to allow me so much time to go on easy with it till it is compleat. This they have done. I have obtained all the time I wished. This has relieved me from a vast load of anxiety which any one must naturally feel when their all is in the power of those in whom they have not the most perfect confidence. Besides this will allow me leasure to attend to my Patent concerns to which I find my personal attention to be of the first importance. Nothing has been effected in the business but what I have done myself and I am well persuaded that no person or persons would have effected anything had I been absent. The cotton machine is a thing of unusual value and by pushing hard I hope to realize something for it. The cotton cleaned annually with that machine sells for at least five Million of Dollars and the annual worth of the invention is equal to at least one fifth of that sum ; but so large a proportion of mankind are such infernal Rascals that I shall never be able to realize but a trifling proportion of its value. You know I always believed in the "*Depravity of human nature.*" I thought I was long ago sufficiently "grounded and stablshed" in this Doctrine. But God Almighty is continually pouring down catarracts of testimony upon me to convince me of this fact. "Lord I believe, help thou," not "mine unbelief," but me to overcome the rascality of mankind.

I have seen our old friend H. D. Ward this winter. He lost his wife and his own health last summer, is emaciated, looks old and is very gray. Expects to visit Mass. next summer. Has made a handsome fortune and is a respectable man in that country.

With Love and friendship, of which let Laura and the little ones come in for a liberal share, with an adieu and God Bless you, I close for this evening.

ELI WHITNEY.

J. Stebbins, Esq.

XV. ELI WHITNEY TO JOSIAH STEBBINS.<sup>1</sup>

WASHINGTON CITY, 7th March 1803.

Dear Stebbins,

When I returned from Georgia the first time, in the year 1793, you were at N. Haven and remained there for sometime afterwards. We were in the habit of communicating freely with each other upon every subject which occupied any part of our attention, especially

<sup>1</sup> Cover addressed "Josiah Stebbins Esquire Post Master New Milford District of Maine." Postage 25 cents.

whatever related in any wise to my invention of the Cotton Gin. Did I not in the course of that year or year following, tell that my original Idea was to make a whole row of teeth of one piece of metal?—to make them out of sheet Iron? That I had recourse to *wire* to make the teeth from necessity, not being able to procure sheet Iron or sheets of tined plates—that one of the Miss Greens had broug out a coile of iron wire to make a bird cage and being embarrassed for want of sheet iron and seeing this wire hang in the parlour it struck me that I could make teeth with that? Several Patents have been issued for machines on my principle. One of the patentees claims as his invention the making the rows teeth of sheet iron instead wire. The fact is he was told that was my original Idea and my machine was particularly described to him, even by drawings of every part. It is also a very plain fact that the principle is the same in whatever way the teeth are made and that they may be made in a vast variety of ways. We commenced a suit against this man to have his Patent vacated. After a tedious course of litigation and Delay we obtained a judgment on the ground that the principle was the same and that his patent was surreptitious. His Patent was vacated and Declared to be void. He came forward and paid up the costs and purchased a License of us to use the machine for which he had pretended to get a Patent, and we now hold his note given for that licence. By some neglect of the Judge or mistake of the Clerk in entering the Judgement, upon a new Democratic District Judge being appointed he found means to revive the cause. After another series of delays and his own Judge was obliged to give judgment against him, still these designing rascals who pretend to hold up his claim and make a handle of it to our disadvantage and although I have no idea that any court can be so abandoned as to take any serious notice of it, yet I should like to obtain such testimony as will shew it to be my invention and thereby put a compleat stopper on that business. We have already one positive witness of the fact, the first person to whom the Machine was shewn,<sup>1</sup> (beside Miller's family,) which was in the spring of '93.

It appears to me that I have mentioned this circumstance to a number of those with whom I was intimate at that time. I wish you to be so good write me soon and inform me if you recollect anything of this kind to which you can testify. A whole country of ignorant unprincipled people who have been long irritated and mislead by designing Demagogus and deeply *interested* in invalidating my claim will go almost any length to accomplish their purpose. If taking my life would have done away this claim, I should have had a Rifle Ball thro' me long before this time. Write to me as soon as you *can*, and as often as you *can*, and in the mean time and at all times and forever may you be happy.

E. WHITNEY.

J. Stebbins, Esq.

<sup>1</sup> Probably Nathaniel Pendleton.

XVI. ELI WHITNEY TO JOSIAH STEBBINS.<sup>1</sup>

NEW HAVEN 15th Oct. 1803.

Dear Stebbins,

The fates have decreed that I shall be perpetually on the wing and wild goose like spend my summers in the North and at the approach of winter shape my course for the Regions of the South. But I am an unfortunate goose. Instead of sublimely touring thro' the aerial regions with a select corps of faithful companions, I must solely wade thro' the mud and dirt a solitary traveller.

While on my tour the last winter I wrote you several letters to several of which I have recd. no answer. I wrote you a letter from the City of Washington almost a year since in which I gave you some account of Thos. Paine. I feel a little anxious lest this letter may have miscarried. I wrote you also last spring from Savannah (if I recollect rightly) requesting some information relative to my invention of the cotton machine. I should be gratified to know whether you recd. these letters or not.

I shall start from here in ten Days, for So. Carolina in order to be there at the meeting of the Legislature of that State and expect to return in January or February. A multiplicity of avocations has prevented my writing you for some time past and it has been so long delayed that I fear I shall not be able to get an answer from you before I commence my Journey.

I have still a host of the most unprincipled scoundrels to combat in the Southern States. I have not now leisure to go into detail but I want to enquire of you if you cannot give your deposition to the following import (viz).

I, Jos. Stebbins &c &c —

Do testify and declare that I have been intimately acquainted with Eli Whitney, originally of Massachusetts but now of New Haven in the state of Connecticut, for more than fourteen years. That the said Whitney communicated to me his discovery and invention of a Machine for cleaning Cotton from its seed by means of teeth passing between bars or ribs of a part which he called a breast work, more than six months before he obtained a patent for said invention.<sup>2</sup> That I saw sd. Whitney almost every day thro' the summer and autumn of the year of 1793, at which time I was a resident Graduate in Yale College. That we had many and frequent conversations on the subject of Mechanics and Natural Philosophy in general and particularly with reference to his sd. invention. That I transcribed his specifications or description of sd. machine several times and that he conferred with me relative to the various parts of sd. Description. And I well remember that sd. Whitney repeatedly told me that he originally contemplated making a whole row of teeth from one plate or piece of metal such as tin plate or sheet Iron and that he afterwards had recourse to wires to make the teeth from necessity, not having it in his power at that time to procure either tin or Sheet iron in Georgia.

<sup>1</sup> Cover addressed "Josiah Stebbins Esquire Post Master New Milford District of Maine." Franked by Whitney.

<sup>2</sup> I obtained my patent 14th March 1794.

That in the first Draft of his Specification he had mentioned sheet iron as a material out of which the teeth might be made but we concluded it was wholly unnecessary as it did in no way affect the principle of the Machine being only one of a great variety of methods in which the teeth might be made and it was struck out. I also recollect that the said Whitney previous to writing a Description of his Invention had contemplated a variety of methods of making each of the several parts of the Machine but it was thought to be wholly immaterial that they should be mentioned in the Description—&c &c.

I hope you will be able to call to mind the circumstances mentioned above, not that they would be of any importance with an enlightened upright Judge. The circumstance of making the teeth of sheet iron is really of no account as it regards the Principle and my Right; but as that is the method in which the trespassers make the machines, they lay great stress upon it, and if I can but prove the truth about it, it will stop their mouth on this subject. I have a set of the most Depraved villains to combat and I might almost as well go to *Hell* in search of *Happiness* as apply to a Georgia-Court for Justice.

I fear that I have delayed writing to you so long that I cannot get an answer from you before I leave this, which will be as early as the 25th of this month. But I would thank you to loose no time in writing to me and Direct to me at Columbia South Carolina—whatever your recollection will enable you to testify to, relative to the early history of my Invention. I wish you to forward to me a Deposition signed and sworn to. I am sensible such a Deposition will not be recd. in a court of Law, there being no Commission taken out to take the testimony but it will be very useful to me in some important arrangements which I wish to make. I hope it will be convenient for you to write me soon after you receive this as any delay will deprive me of any benefit which I may derive from your Deposition.

I shall not make any considerable Stop before I reach Columbia in So. Carolina which place I do not now expect to leave before the 20th of December. Write me as much and as often as you *can*. I shall have more leasure to write you while traveling than I have had the summer past and you may expect to hear from me occasionally.

My armoury here has got to be a regular Establishment and progresses tollerably well, and I flatter myself I shall make something handsome by the undertaking. My works have considerably excited the Public Curiosity and are visited by most People who travel thro' this country, this however is not so flattering to my vanity that I do not wish to be less thronged with Spectators. It would really give much sincere pleasure and satisfaction to see you here and shew you what I have been doing for three or four years past. Can you not visit us next summer?

With best and most affectionate regards to Laura and ardent wishes for your [own] happiness, I am, have been and [shall be]

Your sincere friend,

E. WHITNEY.

Josiah Stebbins, Esq.

XVII. NATHANIEL PENDLETON TO CHARLES COTESWORTH PINCKNEY.<sup>1</sup>

NEW YORK, Novemb. 1, 1804.

Dear General,

Mr. Whitney informs me that the State of South Carolina had agreed to give the proprietors of a Cotton gin, invented by him and for which he has a Patent, a sum of money for the use of it for that State, and that the Legislature have since directed that the money should not be paid which remained due, and that a suit be instituted to recover back what has been paid upon a suggestion that he was not the inventor of the machine.

Having been one of the first persons who saw his machine when it was first put in Motion he has thought my declaration may be of some use to him. It was in the Spring of 1793, at Mulberry Grove, and in the house where the machine appeared to have been made was a wire machine and other instruments which Mr. Whitney informed me he had used. I had no doubt then, nor have I any now that Mr. Whitney was the inventor of that machine during the preceeding winter. Soon afterwards a machine house was put up at Mulberry Grove by Mr. Phineas Miller, and several of those machines worked in it by Cattle, which I frequently saw. I am well acquainted with Mr. Whitney and believe him to be a man of integrity, and of extensive and useful mechanical powers. His machinery at New Haven for making muskets has been represented to me as a prodigy of skill and accuracy. Any services you may have it in your power to render him, I think you will find to have been justly merited.

I am, Dear General, with great Esteem and Affection

Your Obedient Hble. Srvt

General Pinckney.

NATH. PENDLETON.

XVIII. ELI WHITNEY TO JOSIAH STEBBINS.<sup>2</sup>

SOUTH CAROLINA 9th Feb. 1805.

My Dear Stebbins,

I left New Haven about the 25th Oct. last. I made no considerable Stop till I arrived at Columbia in this State; where I staid about four weeks. From thence I went to the city of Charleston, where I spent three weeks. From thence to Savannah in Georgia where I passed one week, and am now on my return, 95 miles from Savannah and 28 miles from Orangeburg, the residence of our old friend H. D. Ward whom I hope to have the Pleasure of taking by the hand to-morrow. I shall proceed directly on by the way of Camden to Rocky Mount upon the Great Falls of the Cataba River where I shall spend two or three days return to,

<sup>1</sup> Cover addressed "Major General Pinckney South Carolina, favor of Mr. Whitney." Major Pendleton was one of the planters whose conversation at the home of Mrs. Greene first gave Whitney the idea of inventing a cotton gin. Olmsted, *Memoir of Eli Whitney*, Esq., p. 13.

<sup>2</sup> Cover addressed "Josiah Stebbins, Esquire, Postmaster, New Milford, District of Maine, Massachusetts Mail, Orangeburgh, February 14." Franked by Whitney.

Camden and from thence make the best of my way back to Connecticut, as fast as the season of the year and the state of the roads will permit. I have traveled the rounds thus far and expect to finish my tour by Land and with the same set of horses with which I started. You will perhaps recollect that three years ago I sold my Patent Right to the State of So. Carolina, that soon afterwards, much like Children and much more like rogues, they refused to make the stipulated payments. The principal object of my present excursion to this Country was to get this business set right; which I have so far effected as to induce the Legislature of this State to recind all their former *Suspending Laws* and *resolutions*, to agree *once more* to pay the sum of 30,000 Dollars which was due and make the necessary appropriations for that purpose. I have as yet however obtained but a small part of this payment. The residue is promised me in July next. Thus you see my *recompense* of *reward* is as the land of Canaan was to the Jews, resting a long while in *promise*. If the Nations with whom I have to contend are not as numerous as those opposed to the Israelites, they are certainly much greater *Heathens*, having their hearts hardened and their understanding blinded, to make, propagate and believe all manner of lies. Verily, Stebbins, I have had much vexation of spirit in this business. I shall spend forty thousand dollars to obtain thirty, and it will all end in vanity at last. A contract had been made with the State of Tennessee which now hangs *suspended*. Two attempts have been made to induce the State of No. Carolina to *recind* their *Contract*, neither of which have succeeded. Thus you see Brother Steb. Sovereign and Independent States warped by *interest* will be *rogues* and misled by Demagogues will be *fools*. They have spent much time, *money* and *Credit*, to avoid giving me a small compensation, for that which to them is worth millions.

I have had less leisure to write you this winter than heretofore, tho' not fewer good wishes for your health and happiness. Impart a double portion of my affectionate regards to Laura and her little ones and be assured that I remain

Yr unaltered and unalterable friend

E. WHITNEY.

J. Stebbins, Esq.

## REVIEWS OF BOOKS

*Philip and Alexander of Macedon.* Two Essays in Biography. By  
DAVID G. HOGARTH, Fellow of Magdalen College, Oxford.  
(New York: Charles Scribner's Sons. 1897. Pp. xiv, 312.)

It is safe to say that no school-boy or college student ever reads the orations of Cicero and Demosthenes without mental reservations in favor of Catiline and Philip. The oratory is more or less dimly felt to disguise the truth. Neither of the great victims of the oratory can now get his side of the case fairly before us, because literary and historical tradition are so exclusively hostile. This is especially true in the case of Philip of Macedon. Leaving out of view the tantalizing fragments of Theopompus, we are compelled to see Philip through Athenian, or at least philo-Athenian, eyes. And Chæroneia drowned the voices of all Athenian Philippizers, even those of Isocrates and Phocion, so that Athenian eyes look only hatred. In Philip's case, then, the task of the biographer is to rescue character and career from the distortions of a tradition which is at best scanty, and which is prevailingly hostile. Even the outlines of portions of Philip's career must be conjecture, and the reasonably sure outlines of other periods must be filled in by cautious inference and combination. Correction of material given and supplementary suggestion where material of tradition fails must both characterize a good biography of Philip of Macedon, but constructive criticism must be more largely employed.

Far different is the task of the biographer of Alexander of Macedon, so different as to call for an entirely new balance of powers. Tradition, in the case of Alexander, has an overwhelming magnitude and scope. It is also, in the main, adulatory. Romantic invention has multiplied details which were before superabundant. There is little call, then, for supplementary conjecture in giving detail to meagre outlines, or in furnishing the outlines themselves. The colossal figure of the world-conqueror must rather be stripped of nebulous accretions and restored to something like human proportions. The miracles of his career must be rationalized. For this task destructive rather than constructive criticism must be more largely employed.

It would be only natural that a historian who attempted both these tasks should perform them unevenly. Mr. Hogarth's *Philip* is far superior to his *Alexander*, and meets a want more keenly felt. "Philip," as the author says, "supplies the central figure to no extant biography; Alexander has inspired a whole literature." Philip was great not merely "for what it was given him to do," but also for what he was. He crushed Greek autonomy, but substituted for the degenerate city-state the



grander ideal of a national power. "Reading the lesson of his times, and marking the proved inferiority of citizen militia to standing forces, and of the capricious rule of the many to an imperial system under a single head, he evolved the first European Power in the modern sense of the word—an armed nation with a common ideal" (p. 3). This thesis Mr. Hogarth admirably sustains. Of course, the anachronistic conceptions of the Athens which opposed Philip have to be corrected, and here the boldness and vigor of the author's views especially appear. It is no easy thing for the critical historian to make headway against the unreasoning and indiscriminate exaltation of everything Greek, because Greek, which the enthusiasm of a cultured age, conscious of its enormous indebtedness to Greece, has long fostered. "As it had been given to Thucydides to exalt a series of raids into a great national war, so the transcendent oratory of Demosthenes has led historians to invest his opposition to Philip with an importance of which assuredly Philip was not aware" (p. 82). This sentence is one of many showing how sturdily the author has cast aside the perverting influence of an incomparable literature on the historical judgment. The political and military decay of Athens at the time of her conflict with Philip is strongly portrayed. The tenderness which Philip evinced towards Athens, "exalting her as the one inviolate queen of civilization" (p. 100), was not due to fear. "Rather to Philip's honor let it be recorded, as to the honor of any warrior-statesman, that sword in hand he paid homage to the arts of peace. And not less be it recorded to the honor of Athens that she did not accept his homage" (ib.). Occasionally the author does less than justice to the dilatory city-state. It is a cruelty to brave citizen-soldiers to sum up their conduct on a battle-field where three thousand of them were killed or taken, with the contemptuous words: "The Athenians ran, Demosthenes with the rest, and the supreme effort of Greece was spent" (p. 129). But such injustice is rare, and usually rhetorical. Sometimes too much weight is given to an unsupported statement of Plutarch or a late compiler; sometimes, when "the fact itself is more worthy of credit than the authority for it," too much confidence is felt in constructed details, but in general the handling of sources is scientific and scholarly. It would be easy to speak of many striking features of the essay, such as the clear apprehension of the relation of slavery to the different materials for an army afforded by Athens and Macedon (pp. 18, 151); the sharp differentiation of the Theban character with its oriental traits (pp. 28 ff., 34), but space will not allow.

Mr. Hogarth's *Alexander*, while filling no such gap in biography as his *Philip*, brings into clearer light than ever before the son's inheritance from the father, the son's gradual emancipation of himself from all Macedonian inheritances, as soon as they were felt to be restrictions, and his rational and logical assumption of Oriental imperialism. No decadence or depreciation in the powers of the conqueror during the last years of his life is to be granted, but rather an enlargement of ideas, consequent upon the enlargement of his task, which necessarily brought with it emanci-

pating conflicts with all the old Macedonian limitations. These were necessarily cruel, but "the conquest of Persia had been forgotten in the conquest of the Earth." On the whole the biography is defensive of Alexander, but it strikes the happy mean between the fulsomeness of earlier histories and the severities of reactionary criticism. The conqueror and destroyer was yet a far-sighted builder. "To Alexander commerce and Hellenism were means, not ends, means indeed far from clearly grasped or understood; but in so far as he did grasp and understand them, his is the glory to all time of having applied on a great scale for whatever end the greatest influences for peace in the world of his day" (p. 192). Fresh and vigorous is the treatment of Alexander's visit to the oracle of Ammon. It was not the inception of a great policy, but was designed to "test a romantic belief which he owed to Homer, and in diverse ways to both his parents" (p. 198). But the founder of the Macedonian Empire did not seriously think of his own divinity. His empire was an achievement of human genius, the genius of one incomparable man. The universal empire which followed his was a "system independent of the life of an individual."

The death of Hephæstion left the great soul of Alexander "in such a solitude as has seldom been the doom even of kings." Alexander did not live long enough to have his grief assuaged, or to resume with the old ardor his plans for universal conquest and order. "Having the greatest powers, he set up the greatest aims consistent with his day, and pursued them greatly. Philip lives hardly outside the world of scholars. The son is still a master to all masters in war, and his type has been chosen by Art for the Hero" (p. 282).

Mr. Hogarth's book is admirably printed, beautifully illustrated, and well indexed. An appendix discusses ably certain chronological questions of Alexander's reign, and the author's familiarity with the technical questions of Alexander's military organization is shown throughout the book.

B. PERRIN.

*Domesday Book and Beyond.* Three Essays in the Early History of England. By FREDERICK WILLIAM MAITLAND, LL.D. (Cambridge: University Press; Boston: Little, Brown and Co. 1897. Pp. xiii, 527.)

THE world of scholars has long since learned to greet a new book from Professor Maitland's pen as marking an epoch in the subject of which it treats, and the work before us only serves to confirm and deepen the impression already made. Although *Domesday Book and Beyond* was planned as a first volume to *The History of English Law*, its publication has been deferred for various reasons. But the delay has not been without its advantages, for it has enabled the author to make use of Mr. Round's discoveries in *Domesday Book* and of Dr. Meitzen's conclusions regarding early Teutonic settlements; and the reader who by this time

has become familiar with the law of the Anglo-Norman period to pass to the more obscure law of Domesday and the Saxon era with his eyes accustomed, as Professor Maitland puts it, to the twilight before going out into the night.

The essays which make up this volume, "Domesday Book," "England before the Conquest" and "The Hide" are in a sense more epochal than anything that Professor Maitland has hitherto published, because they concern a field of study where controversy has hotly raged, where documents are difficult to interpret, as is the case with Domesday Book itself, or are few, obscure and of uncertain value, where ideas are indefinite and fluid, and where preconceived opinions are almost certain to bias the judgment. Professor Maitland has not been content to exploit certain parts of his subject; he has endeavored to interpret every important document beginning with Domesday Book and reaching back to the dooms of Aethelberht and the Burghal Hidage. That he has done this without disturbing at any important point the faith of the reader in the justness of his conclusions is due not only to our confidence in his learning, his unrivalled power of interpretation, and almost unlimited capacity for work, but also to his moderateness and caution in the expressal of any opinion even where the evidence is most conclusive. It is not too much to say that for the first time Domesday as a whole stands revealed, not fully, indeed, for there is still great work to be done, but in its most essential features; that almost for the first time the *terra incognita* of Saxon times has been triangulated and its boundaries ascertained. Not that all Professor Maitland's solutions are final—far from it, some will be called in question, nay, are already under attack, for Mr. Round and Mr. Stevenson have even now entered the lists—but certain is it that each and every one of them will have to be reckoned with by all who study this period in the future. And in the meantime some—and those important ones—will get themselves firmly established, for Professor Maitland is a very convincing writer.

It is manifestly impossible in a short review to give a *résumé* of a work that fairly bristles with important conclusions. There does not seem to be any single underlying purpose running through the essays except that of accurate historical reconstruction, yet I think that the conclusion which will interest and affect the largest number of readers is the denial of a "manorial system" before the twelfth and thirteenth centuries. This sets the manorial current running in the opposite direction from that given to it by Mr. Seebohm in his theory of the village community, and by Professor Ashley in his introduction to Fustel de Coulanges' *Origin of Property in Land*. Professor Maitland rejects without hesitation any proposal to connect the English manor with the Roman villa, to fill the England of Bede's day with Continental lordships, to make the seigniorial element Roman in origin, and to place the mass of the Saxon people in serfdom. He is willing to admit an occasional villa and a few servile villagers, but holds to an unqualified belief in the original freedom of the ceorls. He sees at the beginning of Anglo-Saxon history village com-

munities with open fields, Germanic in origin, peopled by free landowning ceorls and their slaves; he holds to the depression of this free class through the growth of seigniorial power and the increasing weight of the feudal edifice; and he discusses at considerable length the forces that subjected the peasantry to seigniorial justice, substituted the manor for the free village, and transformed the free men of the sixth and seventh centuries into the semi-free of Domesday Book and into the villeins of the thirteenth century.

But if this were all, Professor Maitland might well be classed with those who consider Anglo-Saxon England to have been a land of self-governing communities, a paradise of yeomen. This is not all. The imaginative historian who still links with the term "village community" ideas of personal freedom, communal ownership of land, political representation, town meetings and courts of justice will find little to comfort him in this book. He will find, it is true, free village communities both in Saxon times and the days of William the Conqueror, but he will find them shorn of those attributes that democratic enthusiasm has accredited to them. He will see an agrarian, not a political community, with no village assembly or court, unrecognized by law because possessing no organization of which the state can make use and therefore having no place in the body politic; he will see its freedom to be the freedom of its members toward lords to whom they have commended themselves, a freedom consisting of rights and privileges and exemptions everywhere varying in amount; he will see its communalism to be either individual ownership or at least co-ownership; its right of representation a thing undreamed of, a strange anachronism. Following on in the history he will find a number of free vills in Domesday, but still without political consequence, without a court, apparently without a headman or reeve, occupied by sokemen and *liberi homines*, each the man of a lord, though still subject, it may be, to the jurisdiction of the hundred court, bound together by no other than an agrarian tie. Strangely enough, he will find that it is the subject community of the eleventh, twelfth and thirteenth centuries that is acquiring political dignity, its reeve and four men summoned by the Domesday commissioners to the inquest, itself utilized by the Norman kings as a unit of assessment, burdened by the state with police functions, and by the lord with the obligation to acquit him of doing suit at the hundred and county courts. He will find that so-called "representation" had at first a "real" character, as indeed Professor Maitland had already pointed out in the *History of English Law*, I. 599-600, and was in fact an obligation resting on vills discharged by the lord or his steward or by the reeve and four men, and not a right possessed or exercised by individuals as such.

According to the views here presented it is hard to see how the village community can be said to have possessed any political importance before the thirteenth century. This means that the hundred was the original unit of local government and that the vill was nothing except so far as the law recognized and used it in certain administrative matters.

Such a conclusion is likely to chill the ardor of those who look on the local self-government of the New England town as an institutional retrogression, a kind of revival of a fundamental Anglo-Saxon institution, and to curtail somewhat the description of the village community given in the pages of Green and Freeman.

I have said nothing of some of the most important of Professor Maitland's conclusions ; of his subtle analyses of *sake and soke*, in which he distinguishes between the profits of justice and the holding of courts, carrying seigniorial jurisdiction back to the seventh century but deeming the *halimôt* a novelty even in Domesday Book ; of his definition of the Domesday manor as the house against which geld was charged ; of his view of the Norman Conquest as the red line dividing into two parts the legal and economic history of medieval England ; of his theory of the origin of the borough in the "burh" or fortress, a theory contrary to the opinion of many modern economists who place the economic stage before the military. I have said nothing of the heterogeneity of tenure in the boroughs and the vills that play so important a part in Professor Maitland's argument against a manorial "system ;" nothing of his argument for the large hide as the unit of measure, of his laborious calculations based on Domesday statistics, of his criticism of documents and his comments on the opinions of others. But I must leave this all unsaid.

One word in conclusion. No part of this book is more useful and suggestive than that which treats of the ideas of primitive peoples. Professor Maitland shows that men were not thinking much about those things that concern us to-day—freedom, ownership, citizenship, elections, representation, corporations, courts, judicial procedure, and exact measures of land, but that they were concerned with the consequences of personal relationship, rights of occupation, of superiority, of privilege, of justice, rights to receive dues, payments, wites, fines and the like, as well as to be exempt from them. When the student seizes holds of this distinction, and learns that fixed and simple ideas were not characteristic of simple people in early times, and that Anglo-Saxon institutions were not necessarily germinant with all that is best and most important among the ideas of the present age, he will be saved from many erroneous conclusions that have been far too prevalent here in democratic America.

CHARLES M. ANDREWS.

*The Latin Kingdom of Jerusalem, 1099 to 1291 A. D.* By Lieut. Col. C. R. CONDER, LL.D. (London: The Palestine Exploration Fund. 1897. Pp. viii, 443.)

THERE are so few books in English treating of the Crusades that the appearance of a new one on this subject by a writer already well known for his work in other fields will be noted with interest. After writing a number of books dealing with the earliest history of Syria and Palestine, Lieut.-Col. Conder has now turned his attention to the story of the Latin Kingdom of Jerusalem. His object has been, as he himself states in his

preface, "not so much to relate the history of the Crusades as to present a picture of the curious social conditions which resulted from the establishment of a feudal society amid Oriental surroundings, and to trace the growth of civilization and prosperity during the two centuries of Latin rule." It remains for us to ascertain how far the author has succeeded in this object.

We may get an idea of the thoroughness of an author's preparation by learning what works he has consulted. In view of this the list of authorities given is disappointing. It is true that reference is made in the body of the book to several works not quoted in this list, but, even with these, the list lacks the titles of a number of books which no man wishing to make a thorough study of the period under review could safely neglect. What these works are will readily occur to any one familiar with the subject. It may, however, be noted here that, with the exception of Röhrich's *Regesta Regni Hierosolymitani*, not a single modern work edited or written by a German is cited. When to this is added the fact that no mention is made of Dodu's valuable work, and of Derenbourg's *Ousama ibn Munkidh* (not to particularize further) it will be evident that the author's preliminary studies were far from exhaustive.

The work is divided into twelve chapters, entitled, respectively, Peter the Hermit, The March to Antioch, The Founding of the Kingdom, The Growth of the Kingdom, The Loss of the Kingdom, The Frank Life in Palestine, The Native Life in Palestine, The Third Crusade, The Thirteenth Century Franks, St. Louis, The Tartars, The Loss of Acre. A conclusion occupies the last fifteen pages of the text.

Lieut.-Col. Conder has spent so much time in Syria, and has studied the land so thoroughly that the geographical information in this volume is unusually full and fresh, and many of the descriptions of places and scenes are extremely vivid. The account of the life of the Franks and the natives in Palestine is interestingly written and will be enjoyed by many who do not care to go into the subject more thoroughly. In the political history the details are in the main correctly given, but the important ones are not sufficiently distinguished from the unimportant, and the historical perspective suffers. Taken as a whole the work is one for the general reader rather than for the specialist, who will find in it comparatively little that is unfamiliar to him.

In a work dealing with so extended a period and touching on so many controverted points it was inevitable that some errors should creep in, and some views be advanced which would not meet with general acceptance. It will be impossible in our limited space to call attention to more than a few points where issue will be taken with the author. Peter the Hermit is represented as having been in Jerusalem *before* the First Crusade. On p. 23 the writer speaks of "two hundred thousand fighting men together, under experienced leaders." Such large numbers are open to suspicion, to say the least. Alexius was undoubtedly crafty, but it seems unfair to speak of him as weak (p. 28). Kugler's views may well be compared with the statement (p. 29) that



"none of the princes of Italy or Lorraine ever did homage or acknowledged Alexius as suzerain." King Amaury (p. 129) died in 1173, before, not after, Nureddin. The battle of the Zab, which resulted in the final overthrow of the Omeyyad Dynasty (p. 225) was not fought till 750; and Hasan, son of Aly, reigned in 661. Many will be inclined to look upon the author's estimate of Richard himself and of what he accomplished in Palestine as much too favorable. On p. 381 mention might well have been made of the Egyptian "caliphs," who kept up the tradition of the caliphate until the title was passed over to the Osmanlis.

The index of the work under consideration occupies about fourteen pages, but could be extended with advantage. It is by no means a complete register of persons, places, etc., mentioned in the body of the work, and the arrangement is not in all respects a happy one. For example, if one wants to find what is said about Frederic II., he must look under the heading German Emperors. It is to be hoped that in another edition the index may be improved.

Two maps, one of Syria about 1180 A. D., and one of Western Palestine, 1189, showing the Latin fiefs, are a valuable addition to the work.

The work, like all those published by the Palestine Exploration Fund, is well printed on excellent paper and forms an attractive volume.

J. R. JEWETT.

*Cromwell's Place in History.* Founded on Six Lectures delivered in the University of Oxford. By SAMUEL RAWSON GARDINER, D.C.L., Ford's Lecturer in English History, 1896. (London, New York and Bombay: Longmans, Green and Co. 1897. Pp. vi, 120.)

THE conclusion to which Mr. Gardiner seems to come in this very able and deeply interesting series of lectures is that the work of Cromwell was mainly negative.

"What, then, is Cromwell's place in history? If we regard the course of the two centuries which followed his death, it looks as if all that need be said might be summed up in a few words. His negative work lasted, his positive work vanished away. His constitutions perished with him, his Puritanism descended from the proud position to which he had raised it, his peace with the Dutch Republic was followed by two wars with the United Provinces, his alliance with the French monarchy only led to a succession of wars with France lasting into the nineteenth century. All that lasted was the support given by him to maritime enterprise, and in that he followed the tradition of the governments preceding him" (pp. 112, 113).

So it was. But how would it have been had Cromwell left an able son, or had the army chiefs seen and followed their own interest instead of cutting their own throats? Mazarin apparently looked upon the Protectorate as established and Monk seems to have thought that Richard, if he would follow good advice, might hold his own. Booth's Royalist rising was put down with the greatest ease. The counter-revolution after



all was not against the Protectorate, but against the military anarchy which followed its overthrow.

Mr. Gardiner's definition of negation is surely somewhat wide. It includes victories as negations of victory on the other side. Our information about this period, especially as regards the Protectorate, is meagre and uncertain, even when gathered and sifted by the admirable industry of Mr. Gardiner. Yet can we doubt that Cromwell was the great force and the ruling spirit? The resultant of the political forces which had been brought into play on both sides was the Revolution of 1688. Did not Cromwell go for something more than a power of negation in that settlement? We should have been glad to know William's opinion of the Protector.

"It is beginning," says Mr. Gardiner, "to be realized that many if not all the experiments of the Commonwealth were premature anticipations of the legislation of the nineteenth century." This is the point. The sun of a government for the whole people broke for a moment out of the lingering clouds of medieval privilege. The clouds soon gathered round it again, and the reign of privilege returned with its court, its aristocracy, its Anglican hierarchy, its Test and Corporation Acts, its Eldonian Chancery, its life-long imprisonment for debt, its press-gang, its corn-laws, its hundred and sixty capital punishments for the crimes of the poor. Yet the sun had shone. Mr. Gardiner calls Cromwell the typical Englishman. He was rather the typical New Englishman, somewhat out of place in Old England and decidedly before his time. His statue, which Westminster refuses, ought to stand at Washington or Boston if the Irish would let it. His place is in general, as much as in English, history.

The constitution embodied in the Instrument of Government never got a fair trial, because the men who had been elected under the Protector's writ refused to acknowledge the legality of his power and drove him to an arbitrary rule for which, Mr. Gardiner allows, he had no predilection, and from which he was always struggling to get back to constitutional government. They had been fighting for political republicanism; he for religious Puritanism, not for political revolution. The Instrument of Government cannot be discussed here, otherwise we might have something to say for it against the system of cabinet government which Mr. Gardiner, as we gather from some expressions in his great work, regards as the grand solution, but which after temporary success due to special circumstances in England is now generally in a state of apparent dilapidation.

Dependence on the army was Cromwell's weakness, as Mr. Gardiner has very forcibly shown. Military rule was hateful in itself to a nation unaccustomed to standing armies, and was financially ruinous. The necessity would have diminished in proportion as the government took root, and it may be doubted whether the burden of military and naval expenditure was practically greater than it was in the time of William or Anne. Nor was there anything in the nature of things to prevent the debt being funded under Cromwell as it was afterwards under William. That the

discipline of the army was excellent adverse witnesses attest, and if there was government by the sword, there was no sabre sway.

Mr. Gardiner no doubt touches the weak point of the Protectorate in his criticism of its foreign policy. Did Cromwell, like Napoleon, seek, through military glory abroad, to secure political peace at home? If he did, he deserves a measure of the same condemnation. But war was more normal in those days than it is in ours. Spain was still the Apollyon, and by her exclusion of all nations from South American lands and seas afforded a standing cause of war. Still more manifestly was a standing cause of war afforded by the pirate states of Barbary. Of the pitch of power and glory to which Cromwell raised the country on the morrow of a civil war, or of the impression which he personally made on Europe, there can be no doubt. He did not, in Mr. Gardiner's judgment, succeed in making his army popular. Yet Pepys tells us that amidst the disgraces of the Restoration the people thought of Cromwell. Blake and the fleet may have been more popular than the army. About all this we shall hope to learn more from the coming volume of Mr. Gardiner's great work.

"Cromwell," says Mr. Gardiner, "was a soldier before he was a statesman." But, unlike Napoleon, he was a politician and an associate of the greatest politicians before he was a soldier. Religion was his leading object, as Mr. Gardiner rightly holds. The assumption of Protestant leadership in Europe, however, Mr. Gardiner pronounces out of date, the treaty of Westphalia having settled the religious question on the principle that religion was a local affair. *Cujus est regio, ejus est religio*. Yet the treaty of Westphalia did not prevent the Duke of Savoy from slaughtering the Vaudois, the French government from harassing the Huguenots, or Spain from burning all the heretics on whom she could lay her hands. It did not prevent, after this time, Louis XIV. from revoking the Edict of Nantes, from conspiring with the Stuarts to crush Protestantism in England, or from assailing Holland as a Protestant power.

For what followed, the Restoration, not Cromwell, was responsible. Neither he nor any heir of his policy would have sold England to France and thus helped Louis XIV. to ascendancy in Europe.

No one can suppose that it was in Cromwell's power to establish religious liberty and equality. His policy of comprehension went as far as was practicable at the time. Mr. Gardiner seems to think that the measure of toleration extended to Anglicanism was too scanty. But Evelyn does not seem to have had much ground for complaint. At a time of Royalist conspiracy the screw was tightened. Anglicanism was not only, perhaps not even principally, a church; it was, like Roman Catholicism, a political organization and the deadly foe of the Commonwealth and Protector. To liberal Episcopalianism Cromwell showed in the case of Ussher that he was no enemy. Milton is a pretty good witness to Cromwell's regard for liberty of opinion.

It is not very clear on what ground Mr. Gardiner condemns Crom-

well's policy with respect to Scotland. He seems to think that Cromwell was ignorant of that country. Yet Cromwell's eyes must have been constantly turned that way by the relations of his party with the Scotch. He had fought beside a Scotch army, he visited Scotland after Preston, and learned all that Argyle could tell him. He seems to have been perfectly well disposed, not of course to the Royalist party in Scotland, but to all the Scotch of whom friends could be made. Why were Dunbar and Worcester so inexpiable? Scotland brought them on herself; Dunbar by proclaiming Charles II. king not only of Scotland, but of the English Commonwealth; Worcester by invading England. Having conquered Scotland, what did Cromwell and the Council of State do with her? Did they treat her as a conquered country? They grasped the opportunity of effecting that incorporating union which all great statesmen, including Bacon and William III., have earnestly desired, which it is to the glory of the ministers of Anne to have finally brought about, and over which every one now rejoices, with the possible exception of a few fanciful persons who by flattering separation on antiquarian grounds show that the study of history does not always make a statesman. Nor does it seem that in the manner of making the Union any needless want of respect to Scotch sensibility was shown. Incorporating union necessarily put an end to the separate nationality of both parties. Mr. Gardiner's research has enabled us to form a better opinion of the provisional government which Cromwell extended to Scotland by the hand of Monk. It seems to have been very good. The heritable jurisdictions were swept away; equal law and upright tribunals, to the great disgust of the privileged and of jobbers, were introduced; order and civilization began to be extended to the Highlands, which had been fastnesses of barbarism and robbery; conscience was partly relieved from the yoke of intolerant Presbyterianism; and witch-burning ceased. Scotch religion was unmolested, though the General Assembly with its political tendencies could not safely be allowed to meet. Free trade with England brought wealth. Burnet, a Scotchman, testifies that those years were reckoned by the Scotch a time of great prosperity. For all but the aristocracy and extreme theocrats they must have been about the best years that Scotland had known. Upon the fall of the Protectorate, Scotland became again a satrapy governed, under the last Stuarts, by jobbery, thumb-screws, and dragonnades, while she was thrown back into poverty by loss of free trade with England.

In Ireland there had been a long, most hideous and most heart-rending struggle for the land between two races, of which the weaker in numbers was the stronger in everything else, and had prevailed. Cromwell could no more have given back the land to the Celt than a British commander could now give back New Zealand to the Maori. Concession was made doubly impossible by the memory of the massacre. Cromwell gave Ireland peace, law, and an advance in material prosperity which Clarendon describes in glowing terms, and which lasted in some measure through the Restoration till James II. set the hell-fire blazing again.

He gave her a good governor in his son Henry. He gave her the union, which brought both her races under imperial control, and opened to her that free trade with England for which, when it was withdrawn, she long pined. He gave the Catholics freedom of conscience, though not liberty of celebrating the mass. Both Mr. Gardiner and Mr. Lecky seem to find fault with him for want of true statesmanship in not having developed Celtic nationality on its traditional lines. But no Celtic nationality had ever existed, nor were there any traditional lines on which development would have been possible. The Celtic race was the débris of broken clans. It had never been politically united or shown any tendency to found a commonwealth. Its intertribal wars had gone on even when England was waging war upon the whole of it. May not the Celt's best chance have been political and industrial subordination under the protection of imperial power from which he would have risen in time to the level of the dominant race?

It is Mr. Gardiner's general tendency to pare down. This is better than exaggeration, but may possibly in its turn be carried too far. Mr. Gardiner has so pared down the differences of parties at the opening of the Revolution that there scarcely seems enough left to fight about. He pares down Cromwell, and the Cromwell of Carlyle will no doubt bear considerable pruning; yet if there had not been a very great man, there would not have been the Cromwell of Carlyle.

GOLDWIN SMITH.

*La Torture aux Pays-Bas Autrichiens pendant le XVIII<sup>e</sup> Siècle.*  
Étude Historique par EUGÈNE HUBERT, Professeur à l' Université de Liège. (Bruxelles: J. Lebègue et Cie. 1897. Pp. 176.)

IN the humanitarian movement of the present century, which has interposed such obstacles to the prompt punishment of crime, and has frequently evoked such diseased sentimentalism in favor of criminals, it is difficult for us to realize the arbitrary methods in vogue up to comparatively recent times. If there are any, however, whose impatience of the dilatory proceedings of the criminal law and the frequent escape of the guilty lead them to look back with regret on the sterner processes of former centuries, a perusal of Professor Hubert's work will disabuse them. It is the result of a laborious search among the records, local and general, of Belgium, and is a contribution of scientific value to the history of criminal jurisprudence. It shows that no matter what safeguards and limitations were theoretically prescribed for the administration of torture they were rendered necessarily nugatory by the discretion allowed to the judge in the inquisitorial process which had become universal in the criminal courts of the Continent.

Thus in theory torture could be administered but once, but the device was invented of "continuing" it in place of repeating it. Besides, confession under torture was valueless unless subsequently confirmed out-

side of the torture-chamber, but, if the victim then revoked it as having been extorted by his agony, he was forthwith tortured again. According to the books, this could only be repeated thrice, but judges zealous for conviction were accustomed to carry it on indefinitely. Theoretically, an hour was the prescribed limit of duration, but when, in 1768, Prince Kaunitz called the attention of Count Cobenzl to the excessive abuse of torture, saying that he had heard of it being applied continuously for forty and forty-three hours, Cobenzl carelessly replied that he had seen it used for nearly a hundred. It was a universal rule that its severity should not endanger life or limb, but a man who was hung in the strap-pado for six or eight hours at a time was at the least crippled for life. If he fainted from the extremity of pain he was resuscitated and the torture was resumed. In Austria there were cases of arms torn off, of legs crushed and of persons so permanently disabled that the government was obliged to pension them. Cases were not rare in which death resulted. There was one such in Brussels, in 1757, after a man had been tortured four times, one of which was for twenty-four hours. In 1774, at Liège, two prisoners died simultaneously, one of whom had endured the strap-pado for six hours on one occasion and for over eight hours on another, while the other victim had been exposed to the boot for twelve hours. The ferocity with which the earnest seekers after justice disregarded all limitations is exhibited in a case which M. Hubert relates at length from the original record. In 1792, at Antwerp, Philip Mertens was accused of a double murder. The chief evidence against him was that he had some connection with a band of robbers in Guelderland; but their conviction and denunciation of him as an accomplice had been obtained by excessive torture and they had died asserting their innocence to the last. On July 3, 1792, the unfortunate man was tortured for over four hours, when he confessed. As he subsequently retracted he was tortured again on July 5th, when, at the end of an hour and a half, he fainted and remained insensible for three hours and a half, at the expiration of which the torture was resumed until he again confessed after enduring it for two hours and a half. The next day he retracted and on August 9th he was again tortured for nearly fourteen hours, or till he confessed, followed the next day by a retraction. An appeal which he interjected postponed further proceedings until October 29th. By this time he was paralyzed and reduced to pitiable weakness; his power of endurance was diminished and he confessed after an hour. As he retracted the next day, he was tortured again on the 31st, and this time nineteen minutes sufficed to bring a confession, which was retracted as before. A long interval was allowed to elapse, until July 25, 1793, when he was brought forward again. His resolution was now entirely exhausted and he confessed without torture, so on September 23d his persevering judges had the satisfaction of breaking him on the wheel.

The Austrian provinces of the Low Countries clung to the use of torture with remarkable tenacity. The liberal tendencies of Joseph II. made him earnestly desirous of abolishing it, but the political situation

*Sample  
of torture  
employed*

rendered arbitrary action injudicious, and the consent of the provinces was deemed indispensable. In 1765 the Austrian government submitted the question to the councils of the several provinces, when with virtual unanimity they were opposed to innovation. Again, in 1771, the Privy Council communicated to them a memoir in favor of abolition drawn up by Fierlant and asked their opinions; it required ten years to get replies from them all, and though there were some dissentient voices, they still desired its maintenance. It had been abolished in Prussia, Austria, Sweden and Russia, without the disastrous results which its advocates had predicted, but still they regarded it as indispensable for the protection of society. At length, in 1784, Joseph II. issued a secret edict forbidding all courts to use torture without obtaining in each case the authorization of the government; the councils of Namur and Flanders protested, but were reduced to silence, and the Privy Council refused all applications made to it, saying that it had adopted the disuse of torture as a principle. Then, on April 3, 1787, appeared the imperial edict for the reform of justice in the Low Countries, of which Article 63 declared the abolition of torture in all courts. The end was not yet, however, The Estates of Brabant protested, the political skies were rapidly becoming tempestuous, and in less than two months, on May 4th, the edict was withdrawn. Yet the policy of the government was so fixed that, in 1789, at the commencement of the troubles, it refused permission to torture persons implicated in the plots against itself. Still, when the attempted revolution was suppressed, in 1790, Leopold II. was obliged to pledge himself to govern according to the privileges in force under Maria Theresa; thus the edict of 1787 remained suppressed and the use of torture continued. The French invasion of 1792 detached the Low Countries for a time from Austria and introduced the French laws, in which all torture had been disused by the decree of October 11, 1789, but the battle of Neerwinden (March 18, 1793) restored the Austrian rule and with it the use of torture, until Jourdan's victory at Fleurus, in 1794, gave the French undisputed possession and torture was definitely abolished.

In a supplementary note M. Hubert discusses with M. Prins the causes of the obstinate resistance to improvement, but neither of them seems to me to recognize the obvious one. The councils of the provinces, largely composed of lawyers, necessarily were guided by the opinions of the judges. These were naturally conservative by training and had been bred in a system which regarded the use of torture as an indispensable method handed down and sanctioned by the wisdom of ages. It possessed also for them the incalculable advantage of a ready solvent for all doubts and all otherwise inscrutable questions. No one can read the records of criminal trials conducted according to the inquisitorial process without recognizing the heavy responsibility which it throws upon the judge and the puzzling enigmas which he is constantly called upon to solve. To the conscientious and the indolent alike, the rack or the strappado afforded a ready resource for the resolution of all such difficulties, and one can readily understand the determined opposition of



judges threatened with the deprivation of this and alarmed at the prospect of being thrown back on the exercise of their unaided judgment and greater or less acuteness of perception, without the relief which the jury system gives to the bench. As the judges, moreover, were required to be present during the application of torture, they became hardened and indifferent to human suffering. How complete was this indifference is evident from the fact (p. 20) that the accounts of the judicial expenses show that the prolonged sessions in the torture-chamber were relieved of their tedium by banquets in which the wine flowed freely.

M. Hubert tells us (p. 13) that he has met with no traces in modern times of the torture of witnesses. Strictly speaking, the *question préalable*, which he fully recognizes (pp. 25-33), wherein the convicted criminal was tortured to discover his accomplices, was the torture of a witness. In the Spanish Inquisition torture *in caput alienum* was a recognized resource in frequent use for the relief of a doubting tribunal.

There are other points which it would be interesting to discuss if space permitted, but it must suffice to say that the work is one which all students of judicial institutions can consult with profit, as it is based on conscientious research and furnished with ample documentary support.

HENRY CHARLES LEA.

*La France d'après les Cahiers de 1789.* Par EDMÉ CHAMPION. (Paris : Armand Colin et Cie. 1897. Pp. 257.)

FOR the student of the French Revolution, one of the most important books of the year is undoubtedly this work by Champion. Professor Aulard refers to it in the most complimentary manner in the June number of *La Révolution Française*. He says, to quote his own words: "Il nous est bien difficile de louer ici autant que nous le voudrions, le livre de notre collègue, collaborateur et ami. Il nous suffira de l'avoir signalé à nos lecteurs comme l'une des œuvres les plus remarquables de notre littérature historique et comme un instrument de travail très-neuf, très-solide et très-commode."

For a long time Champion has been a careful student of the *cahiers*, and this work is the development of chapters that appeared in earlier works. The numerous articles contributed to *La Révolution Française*, several chapters in his excellent book entitled *Esprit de la Révolution Française* (Paris, 1887), his contribution to the *Histoire Générale*, edited by Lavis and Rambaud (Vol. VIII., Chap. I., *La France en 1789*, 51 pp.), all laid the foundation for the work published this year. It is clearly, then, not a maiden effort, but the result of long study and of ripe scholarship.

On the title-page of the book appears the following quotation from Mirabeau: "Il n'est personne qui n'avoue que la Nation a été préparée à la Révolution par le sentiment de ses Maux, bien plus que par le progrès des lumières." This sentence, quoted some years before in another work (*Esprit de la Révolution*, p. 59) is, in a certain sense, the thesis



that Champion attempts to defend and develop. The success of his effort is due to the fact that he allows the *cahiers* to speak for themselves.

He does not deceive himself as to the value of the work that he has produced. He declares that "le tableau de la France en 1789 ne pourra être tracé d'une façon complète, définitive, que lorsque nous serons en possession de tous les cahiers, lorsque le texte en aura été publié sans les fautes de toute nature qui défigurent ceux qui sont dans les *Archives Parlementaires*," that all work undertaken in advance must necessarily be "très-imparfait," must be "recommencé un jour, corrigé, remplacé par une image plus fidèle." What he offers, then, is only a sketch, containing certain essential traits. Quoting Malouet, he calls the *cahiers* "le dépôt public et irrécusable de toutes les opinions et des vœux de la France entière," and adds "si Tocqueville et Taine les avaient étudiés comme il faut, ils auraient mieux compris la chute de l'ancien régime."

Two pages of bibliography, dealing with the *cahiers* published up to the present time, and two short chapters on "*La convocation des États-Généraux*" and "*La rédaction des Cahiers*" serve as an introduction to the work. The remaining fourteen chapters, forming the body of the book, deal with the following topics: III. La Constitution; IV. Les Obstacles à l'Unité nationale; V. Les Provinces; VI. La Royauté; VII. Les trois Ordres; VIII. Les Finances; IX. La Justice; X. Les Campagnes et les Droits féodaux; XI. L'Industrie et le Commerce; XII. L'Armée et la Marine; XIII. La Religion et l'Église; XIV. L'Instruction publique; XV. La Douceur de vivre sous Louis XVI.; XVI. L'Esprit des Hommes de '89.

In every chapter the writer demonstrates that a large part of the stock generalizations concerning the France of 1789 rests upon insufficient evidence.

He gives enough space to the question of the convocation of the Estates to show the peculiar interest of the subject and the unsatisfactory manner in which it has been treated. In his chapter on the editing of the *cahiers*, he denies that great importance should be attached to the use of models. It would be impossible to note here the manner in which all of the controverted questions are dealt with by Champion, but undoubtedly the most important parts of the book are his treatment of the attitude of the French toward monarchy and toward religion, the unexpected harmony that existed among the orders in the struggle against absolutism, and the absence of any serious revolutionary plan previous to the assembly of the Estates.

Each assertion is supported by frequent citations from the *cahiers* and by abundant footnotes. The doubt sometimes arises as to the value of certain broad generalizations based upon a limited number of *cahiers*, but the writer did not regard his work as final, and in a certain sense disarms criticism. He certainly has blazed the way for all students of the Revolution who in the future will attempt, through a study of the *cahiers*, to show us what the France of 1789 was like and what changes were demanded at the time by its people.

FRED MORROW FLING.

*Napoleone I. e l'Inghilterra*; Saggio sulle Origini del Blocco Continentale e sulle sue Conseguenze Economiche. By ALBERTO LUMBROSO. (Rome: Modes e Mendel. 1897. Pp. xvi, 514.)

THIS handsome volume is creditable both as a product of Italian scholarship and of the bookmaker's art in Italy. It is a pity that where paper and print combine with an excellent style to make a readable book, the proof of the abundant English quotations should in so many places have been but indifferently corrected. Otherwise the contents are as satisfactory as their garb. As the title indicates, the book is an essay, but it is an essay in investigation rather than in the discussion of facts and the expression of well-matured convictions. In truth, it would be difficult, after a rapid and superficial perusal, to say that the author has reached any definite positive conclusion but one, to wit, that the Continental System furnished the fuel for the European conflagration in which the Napoleonic power was destroyed. After marshalling the authorities in impressive array he reviews them with singular impartiality and concludes that while, on the one hand, many writers consider the Continental System as pregnant with important economic results, some contending that the effects were prejudicial to France, others that they were beneficent; on the other hand, quite as many and as important historians take a position diametrically opposed and declare that the system had no considerable economic consequences one way or the other. *Adhuc sub judice lis est* is his closing phrase. In other words, the volume belongs primarily to the class of "mémoires pour servir" and ought as such to have high value for the judicial historian; it strives to exemplify neither the "ad narrandum" nor the "ad probandum" theory of writing history. Yet it would be unjust to leave the impression that Lumbroso is merely an indefatigable antiquarian and chronicler, as his works so far published would seem to indicate: in particular his very extended and thorough *Bibliografia ragionata per servire alla Storia dell' Epoca Napoleonica*, of which five parts have already been published, and his equally valuable *Miscellanea Napoleonica*, of which the third series has just been issued. Even in these certain high qualities are apparent. He chooses and edits with judgment; he is fearless and impartial in publishing facts whatever bearing they may have on national pride and accepted national tradition; his short, concise estimates of the authorities are marked by insight and critical acumen. The great contributions to the history of the Napoleonic epoch which are still to be made will almost certainly be drawn from research in public and private collections outside of France, and probably in those which exist in lands over which French influence and power were once exercised. No one can do higher service in this direction than an intelligent Italian with a catholic spirit and a well-trained mind. It is to be hoped, therefore, that Lumbroso will persevere in the path he has marked out for himself.

But beyond all this the careful reader of the volume under consideration will discern between the lines no little capacity for weighing evi-

dence and will discover opinions far more important than the few which are expressed in plain language, finally laying down the book with the feeling that he has been led up by the arrangement of the facts to certain conclusions which the author considers so clear as to require no flat statement. This is in our opinion somewhat of a blemish, even in a collection of documents and excerpts. The material should either be arranged chronologically or else the juxtaposition should be justified. Every writer knows how difficult it is to express himself without stint of language and how often his words convey to others a meaning quite different from that which he intended to express. Life is short and art is long; the reader of historical works, even the expert, has his rights and one of them is a right to the plain statement of the writer's convictions, wherever a conviction is felt and indicated.

The author's method is good. Desiring to study the conflict between Napoleon and England from the economic point of view, he lays down the various definitions of blockade in such a way as to indicate that hereafter no civilized nation can ever declare any port blockaded except when it has the means and the intention to use a sufficient armed sea-power. By inference he utterly rejects the possibility of the pacific blockade, the paper blockade or blockade by cruising. The next chapter is designed to show the state of European politics during the ten years of armed peace from 1783 to 1793, a successful study of the latent germs of discord. The nations were so arrayed at the close of this period that the minor questions of the hour were all included in the comprehensive, vital decision between the claims to supremacy of Great Britain and of France. Either the latter must resign her conquests and be content with her royal frontiers or British power must be annihilated. This position is established by considering the evolution and spread of the new ideas of political economy. The author believes that Turgot's *Reflections* directly influenced Adam Smith and that but for the industrial revolution in Great Britain the latter, who was obscure and uninfluential, would never have had a hearing. He asserts that it was the reflex action of English opinion as determined by English conditions which transformed the attitude of Continental Europe in regard to political economy. British enterprise aimed at nothing less than commercial supremacy. To this portentous fact was due the French prohibitive tariff of 10 Brumaire, An V. How far such a measure was from shocking the most enlightened opinion of the Continent is shown by an analysis of Fichte's Utopia, *Der Geschlossene Handelsstaat*, a treatise which aims to show how antiquated is the notion that men may freely buy and sell wherever they choose in the known world. If European Christendom be a whole, then and then only the globe is but a single great commercial state, otherwise colonies and factories elsewhere are each and all included in the various nationalities to which they belong. Such being the theory of Continental thinkers the statesmen would certainly reduce it to practice in the interests of their various states. Great Britain must forestall them. The French tariff was a sample of what might be expected. Hence in logical sequence

the Orders in Council, the paper blockade of the shores opposite or near the shores of Britain and as a counter-stroke the Berlin and Milan Decrees of Napoleon. It is an interesting coincidence that the ideas of Napoleon, the practical politician, and Fichte, the theoretical speculator, which appear to have had a parallel genesis and evolution, should have found expression almost simultaneously; the methods of publication stand, to be sure, in picturesque contrast.

The non-intercourse acts of the United States are a portion of the same movement, and the author shows how Great Britain, as a consequence of her being shut out from the markets of Europe and North America, used her sea-power to seize the commerce of South America, Spain and the Indies, and how in fact she laid the foundation of her present greatness by the compulsory disregard of her former markets and the subsequent seizure of those which have proved vastly more important throughout the rest of the known world. The fluctuations of prosperity in the British Islands are traced with skill and attributed quite as much to the state of harvests, the existence of war on the Continent and various other causes as to the operations of the Continental System. An interesting account of the workings of "licenses" is also given. As to the effect of the Continental System on France herself the author heaps up facts and opinions, but he seems unable to reach a conclusion.

In considering a special study like this we are bound to note the danger lest author or reader should conclude that the *casus belli* of the epoch was purely economic. It is well to be reminded that economic influences played an important rôle, but for all that the comprehensive reason for the awful cataclysms which followed the French Revolution and the still later upheavals of the Napoleonic period was political in a narrow sense. The absolutist, dynastic concept of the state, so long considered as the only possible one, was endangered by the movement of liberal ideas. Throughout the armed peace the safety of their thrones and the preservation of their dynastic prestige were far more important considerations to George III., to Frederic William, to Francis and the whole race of hereditary monarchs than disinterested consideration for the welfare of their respective peoples. To this day we cannot be absolutely sure in any single instance as to the immediate, concrete, tangible cause of the different wars between 1793 and 1815. It is possible but not likely that in time the archives of other nations may give us these causes; it is the conviction of many who have ransacked the French archives that either the direct statements of Napoleon's motives in the various instances were never written or else that they have been destroyed. The former alternative is probably the true one. Public business is conducted with at least as much personal contact and shrewd secretiveness as are private affairs. The records of a clever merchant mean much to him, but very little to outsiders or successors. It is not, therefore, presumptuous to decide that conclusions based on the present state of knowledge have some validity and that the breaches of the public peace throughout Napoleon's time were due immediately quite as much to his

adversaries as to himself. It was simply his brilliant forehandedness which gave him the appearance of being the aggressor. The wars themselves were terrible and bloody, the waste of human energy was appalling; but dynastic politics, like slavery or any other shameful anachronism which blocks the development of human society, perishes only in hideous convulsions. The economic question, however insistent and broad, was not the *primum mobile* of the Napoleonic epoch.

By way of illuminating his subject, Lumbroso gives in the second portion of his book a series of monographs on French finances, on smuggling and contraband, on Napoleon's self-justification, and on the effects of the system in Scandinavia, Russia, Holland, Belgium, Germany, Austria, Spain, Italy and America. These are all well done and for the specialist they were worth doing. The substance of the whole matter is that the Orders in Council and the Berlin Decree were alike measures of desperation, influencing the final results of the European struggle little or not at all.

This excellent book concludes with an appendix of original documents which occupy a hundred pages and a very interesting bibliography extending over about forty more. The volume may be recommended to the student with little or no reserve. As was remarked at the beginning, its plan gives it a patchy appearance, and the author would be styled by the general reader a compiler with a passion for *inedita*. But this is after all only appearance, and the *Saggio* is a true historical essay as well as an original contribution to the subject.

*Histoire Politique de l'Europe Contemporaine ; Évolution des Partis et des Formes politiques. 1814-1896. Par CH. SEIGNOBOS, Maître de Conférences à la Faculté des Lettres de l'Université de Paris. (Paris : Armand Colin et Cie. 1897. Pp. xii, 800.)*

"THE greatest obstacle in the way of him who would write the history of the nineteenth century," says Professor Seignobos in his preface, "is the immense number of documents. The strict historical method calls for the direct study of sources. But the life of a man would not suffice—I do not say to study and criticise—but to *read* the official documents of even a single European country. It is, therefore, materially impossible to write a contemporaneous history of Europe in conformity with the principles of the critical method."

Consequently, in order to avoid this difficulty, Professor Seignobos has adopted a course which, though logically more imperfect than the correct method, "is more practical and suffices for the attainment of at least a part of historical truth." As the facts of contemporary political history are exposed in monographs, special works and annuals, all written at first hand, Professor Seignobos considers that abstracts from, and analyses of, the documents contained in these works are reliable enough to dispense one, ordinarily, from the necessity of going to the original sources of information.

The second difficulty encountered, according to Professor Seignobos, by the writer on contemporary history is the impossibility of citing authorities, which is again due to excessive abundance. But he also holds the abandonment of this custom excusable. "The general facts," he says, "stand out so clearly from a perusal of the documents, and are so surely established, that it is necessary only to indicate the works in which the demonstration is made." So this book contains, particularly in the first part, almost no foot-notes. Their place is taken by a bibliography, largely of a critical nature, at the end of each chapter.

In this matter of bibliographies, Professor Seignobos has again had to substitute an expedient for the usual practice. He truly remarks: "A bibliography of contemporary history drawn up according to erudite rules would fill a volume." So he has limited his lists to what is indispensable, mentioning only general bibliographical volumes and histories which refer the reader to works going into details, the principal documentary collections and the best monographs on each question. While all students of contemporary Europe may not always agree with Professor Seignobos' estimates, and may question the right of admission into his lists of certain books and the omission, intentional or otherwise, of certain others, yet, on the whole, no good ground for serious complaint can be found.

"This summary method of reading and citation has obliged me," the preface further says, "to limit my exposition to the general facts of political life, known to all contemporaries and accepted without question. But it is precisely these uncontested facts which form the material for political history. I have not, therefore, tried to establish any disputed fact or to discover any unknown one. It is in bringing together facts general and notorious, but which have been left scattered about, that I think I have reached new conclusions."

In order to keep strictly within the limit thus marked out for himself, Professor Seignobos has almost invariably avoided picturesque descriptions of events, portraits and anecdotes, all of which generally lie without the domain of unquestioned historical material. Accordingly this work, which, as we have already seen, is not of the erudite class, is also perceived, from what has just been said, not to belong to the narrative school. "My aim has been to explain the essential phenomena of the political life of Europe during the nineteenth century," the author says, "by describing the organization of the nations, governments and parties, the political questions which have come up for consideration during the century, and the solution given to them. I have tried to present an *explicative* history." If, as a result, this work is sometimes a little dry and colorless, and often summary and bald, the fault is not so much the author's as that of the requirements of the subject.

Professor Seignobos furthermore says: "Not being able to present a picture of the whole of European civilization, I have purposely confined my attention to political history. I have left at one side all the social phenomena which have no direct action on political life,—art,



science, literature, religion, customs. I have tried especially to explain the formation, composition, tactics and platforms of parties, as being capital factors in the shaping of institutions. My main purpose being to *explain* phenomena by showing how they are linked together, I have admitted into my account such non-political subjects as local administration, the army, the church, education, the press, political speculations and economic questions."

After having thus decided upon the choice of his material, there still remained the difficulty of classing it. Should it be presented in the logical order, which would consist in analyzing the political organization of all European states and then studying the whole question simultaneously in all these states? Or should the preference be given to the chronological order, the favorite method of writers on contemporary history? Or, lastly, should the geographical order be adopted? Professor Seignobos has preferred to employ all three successively and has thus grouped his material under three consecutive heads.

Under the first head, which comprises the bulk of the volume, is considered the home politics of the various European nations. Here the geographical order is followed. Each country is examined separately and in turn, beginning with England, the mother of the political system of modern Europe, followed by France and the rest, and ending with Russia and Turkey, which stand lowest in the scale of political life.

Aside from his natal tongue, Professor Seignobos can read with ease only German and English. His knowledge of Italian is slight and of Spanish still slighter. Thus it is mainly through French and German books that he has been able to study northern, eastern and southern Europe, which necessarily means that he gets his facts at second or third hand. The disadvantages and even dangers of this proceeding need not be pointed out here.

The personal equation is another serious matter in all historical writing and especially in that which has to do with contemporary events. "Political and national impartiality is the capital difficulty of the historian of current affairs," Professor Seignobos truly says. If we take into the account the facts that his personal preferences are for a liberal, laic, democratic and occidental régime, no serious fault can be found, especially by Americans, with his judgments. I have tested him in several very recent happenings in European politics in which he would find it the hardest to shake off personal and national prejudices, and I have always been struck by his fairness, tact and reserve.

The second head, treated according to the logical order, groups together several political phenomena common to different European societies, separating them from the evolution of each people in order to bring out more clearly their general character. Here belong three able chapters devoted to the story of the transformation of the material conditions of political life in Europe during the present century—inventions, new engines of destruction, new means of communication (the telegraph, the railway and the press), etc.—a second chapter given up to the con-



sideration of the Church and the Catholic parties in different parts of Europe, and a third which has to do with the international revolutionary parties.

A republican Frenchman who is, besides, a free-thinker by philosophy and a Protestant by birth, is in a most ticklish position when he ventures to write about the Vatican and its relations with modern European political life. But Professor Seignobos passes through the ordeal with admirable courage. He does not even hesitate to declare that Leo XIII. is not one whit more liberal than Pius IX., but accepts all the doctrines laid down in the famous syllabus, basing his assertion on citations from the former's encyclics. It is only in the field of practical politics that the present pontiff has departed from the line of conduct of his immediate predecessor. Instead of fighting the governments, he negotiates with them; instead of prolonging a conflict, he strives to stop it. But even here, in so far as his relations with the Italian government are concerned, Leo remains as obstinate as Pius.

The third and last portion of this work is occupied with the foreign relations of European nations since the opening of the present century. The chronological order is here observed. "The object kept in view is not," we are told, "to give an account of diplomatic and military operations . . . but to point out what were, during each period, the capital characteristics of the exterior policies of the principal governments and to explain the transformations of the relations between the states, and the distribution of territory and influence."

This division opens with an examination of Europe under the repressive system of Metternich. Then comes a chapter on the influence exerted by Russia and England during the period extending from 1830 to 1854, which is followed by another chapter on the preponderance of France and the wars for national unification, from 1854 to 1870, the whole concluding with a chapter on the political evolution of Europe during the century, which serves as a sort of *résumé* of the volume and of the whole complex subject.

THEODORE STANTON.

*The Jesuit Relations and Allied Documents.* Travels and explorations of the Jesuit Missionaries in New France, 1610-1791. The Original French, Latin, and Italian Texts, with English Translations and Notes. Edited by REUBEN GOLD THWAITES, Secretary of the State Historical Society of Wisconsin. Vol. IV. Acadia and Quebec, 1616-1629. (Cleveland: The Burrows Brothers. 1897. Pp. 272.)

IN this fourth volume is continued and terminated the narrative of Father Biard concerning the destruction of Saint-Sauveur and Port-Royal in 1613 and what became of the French colonists of those two settlements. Here we have the starting-point of the long series of conflicts relative to the delimitation of territories between the English and French

authorities, a question which may be said to embrace the whole history of Canada until 1760 or even 1763. The kings of France and England made grants of various tracts along the coast, each one trespassing on the pretensions of the other. Delimitation of territories means the privilege of trading with the Indians through a more or less large area of land, and this was of the utmost consequence. Neither of the two antagonists would give up what he considered the main object of a possession in the new world—so that the history of Acadia, Canada, Louisiana, New England, Pennsylvania, etc., was stamped beforehand during the days of 1604–1613, when the sovereigns of the two great nations affixed their seals to the parchments above alluded to.

Father Biard saw all this at a glance, but was not discouraged. He says: "For my part, I consider it a great advantage that we have learned more and more about the nature of these territories and lands, the character of the inhabitants, the means of helping them, the obstacles which are liable to arise against the progress of the work, and the help that must be given to oppose the enemy . . . So, in truth, it is not otherwise that God usually gives us prudence and better management of things, only through various experiences, and for the most part through our own faults, and those of others . . . It is a great result that the French have won the confidence and friendliness of the savages, through the great familiarity and frequent intercourse which they have had with them."

The second half of the volume is filled with letters and communications from Father Charles Lalemant, Jesuit, written at Quebec in 1625–26, when his order was introduced for the first time on the shores of the St. Lawrence. This clever man, a remarkable observer, comes well in the series after Biard; he had also visited Acadia in 1613 and his knowledge of the new missions amongst the Indians helped him greatly in describing the nature of the work required to civilize the country, apart from the conversion of the infidels. He shows the true position of affairs in regard to trade, agriculture, colonization and the learning of so many strange and difficult languages as were to be found in "these vast forests." He already understood that many years would elapse before the French could master the situation and hold their ground at such a distance from the mother country. He squarely advocated the policy of a substantial establishment, to make the natives believe in the ability of the Frenchmen to succeed independently of the scanty resources of charities received occasionally by an annual vessel from France. The population of Quebec—the whole of Canada at that time—was but forty-two souls, and they had "only eighteen or twenty acres cleared at the most." Champlain says that the mercantile companies "had not themselves cleared an arpent and a half of land in the twenty-two years during which they were, according to His Majesty's intention, to have peopled and cultivated the colony." Lalemant adds that the Algonquins "cleared two or three acres where they sow Indian corn, and they have been doing this for only a short time." He saw clearly that there was no future in such a system.

He is much interested in the prospect of a fruitful mission amongst the Hurons of Upper Canada, a sedentary nation much ahead of the wandering Algonquins of the neighborhood of Quebec. He sends there two subordinates with a view of first acquiring the language, in the hope that greater resources may soon be afforded the Jesuits by their friends in France and the fur company, to enable them to proceed with decisive results in the execution of their scheme. The vivid picture of the colony which he traces in poignant, though moderate, words, is much after the manner of Champlain, whose complaints in that respect are well known to all readers of his works.

The volume is equal in value to any of the three which have preceded it, and that is high praise.

BENJAMIN SULTE.

*Virginia Cartography.* A Bibliographical Description. By P. LEE PHILLIPS. [Smithsonian Miscellaneous Collections, Vol. XXXVII. Number 1039.] (Washington. 1896. Pp. 85.)

MR. PHILLIPS is one of the assistant librarians in the Library of Congress. His treatise gives evidence of careful and prolonged research and is a contribution to American history of distinct value. It is to be regretted that some of the descriptions, especially the one relating to Fry and Jefferson's important map, are not fuller, but the work, as it stands, is, nevertheless, interesting and commendable.

The first map of Virginia was drawn in 1585 by John With or White, a painter. In the third edition of Hariot's account of Virginia, published in the first part of De Bry's collection in 1590, the artist's name appears as With in the Latin, German and French versions, and as White in the English version only, all four versions having been published in the same year. He is described as having been "sent thither speciallye and for the same purpose by the said Sir Walter Raleigh, the year abovesaid 1585, and also the year 1588." In *The Principal Navigations*, by Hakluyt (editions of 1589 and 1598) John White appears among the members of the expedition of 1585, but not in the list of "the principall gentlemen of our companie" and he seems to have returned to England. The John White whom Raleigh appointed governor of Virginia, on the other hand, made five voyages to the colony, the last being in 1590. In Stith's *History of Virginia* (1747) the John With or White of De Bry is made identical with John White, the governor, but Camus in his *Mémoire sur la Collection des grandes et petits Voyages* (Paris, 1802), expresses a doubt as to their identity, and Bancroft treats them as separate persons. Kohl, in his *Descriptive Catalogue of those Maps, Charts and Surveys relating to America, which are mentioned in Volume Three of Hakluyt's Great Work*, declares they were the same person, and so do Henry Stevens in the *Bibliotheca Historica* (Boston, 1870), Justin Winsor in the *Narrative and Critical History*, and Dr. Eggleston in his paper in the *Century Magazine* for November, 1888. Nevertheless, Mr. Phillips is of

opinion, and we think with reason, that the contemporaneous evidence tends to show that White or With, the first cartographer of Virginia, was not Raleigh's governor.

The second important map of Virginia was John Smith's. Of that work Mr. Phillips says: "Journeying along unknown streams in a country where at every step lurked danger from enmity of the savage inhabitants and discord among his followers, Smith made a map which is an authority to the present day, and when compared with other maps of his day, impresses us with the genius of the man." The maps of White, or With, and Smith influenced all subsequent Virginia cartography until Augustine Herman's map appeared in 1673. This first became accessible to students in this country two centuries later, when a reduced facsimile of the original in the British Museum was published in the *Maps to accompany the Report of the Commissioners on the Boundary Line between Virginia and Maryland*, Richmond, 1873. A Bohemian by birth, Herman came from Holland to New Amsterdam about 1647 and subsequently settled in Maryland, where he made his map of the surrounding country. Its preëminence continued until 1751, when Thomas Jefferys published *A Map of the most inhabited parts of Virginia, containing the whole Province of Maryland, with parts of Pennsylvania, New Jersey and North Carolina*, by Joshua Fry and Peter Jefferson.

The map of John Henry, engraved by Thomas Jefferys, "Geographer to the King" (London, 1770), is still of interest, as the geography of the state, according to Mr. Phillips, has never been more thoroughly studied. It has especially a general historical value, as it contains the names of many of the plantations.

During the Revolutionary war thirty-four maps of Virginia were published, and in 1794 first appeared Carey's *American Atlas*, published in Philadelphia. Since then the list is a numerous one, the maps steadily increasing in minuteness and accuracy.

GAILLARD HUNT.

*The Evolution of the Constitution of the United States*, showing that it is a Development of Progressive History and not an isolated Document struck off at a given Time or an Imitation of English or Dutch Forms of Government. By SYDNEY GEORGE FISHER. (Philadelphia: J. B. Lippincott Company. 1897. Pp. 398.)

THIS book will be of great use to all students of the constitutional history of the United States. It collates for the first time all the provisions of the colonial charters and the early state constitutions relating to the same subjects; and thus aids in tracing the origin of the similar clauses in the Federal Constitution. The idea is, however, not as new as the author seems to think. Almost all the previous commentators on the Constitution, from Judge Story to Dr. Stevens, have in many cases quoted from the colonial charters and history when discussing the clauses that resemble and seem to be derived from them. But Mr. Fisher has done

this work with more thoroughness and elaboration than writers who desired to gain the attention of the general reader have dared to attempt. His book is consequently one that will save much labor to all special students of the subject. It also contains a forcible argument against the theory of Mr. Douglas Campbell that our institutions are largely derived from Holland, which those who have any doubts upon the point should consult after reading the *Sources of the Constitution*, by Dr. C. Ellis Stevens.

In general, Mr. Fisher's book is accurate, although his language is at times extravagant. I note but one statement that might mislead a casual reader. At page 264, after an account of the annulment by the Pennsylvania legislature of the charters of the College of Philadelphia and the Bank of North America, he says: "Something, it was generally believed, must be done to give the new national government the power to prevent such deeds. Wilson, who had been a friend and supporter of both the bank and the college, solved the problem by providing in the national document that 'no state shall pass any law impairing the obligation of contracts.'" No authorities are cited in support of this statement, which involves an assumption, whether true or not, widely differing from the prevailing opinion of students of the subject.

Neither Madison nor King nor any other reporter of debates in the Federal Convention mentions Wilson as the author of the phrase. Madison says in the introduction to his report of the debates that "in the internal administration of the states, a violation of contracts had become familiar in the form of depreciated paper made a legal tender, of property substituted for money, of instalment laws, and of the occlusion of the courts of justice."

The origin of the clause in the Convention was on August 28, 1787, when "Mr. King moved to add to the words used in the ordinance of Congress establishing new states a prohibition on the states to interfere in private contracts." (Madison Papers, Elliot's *Debates*, 2d ed., Vol. V., p. 485). This was similar to the clause in the Northwestern Ordinance: "And in the just preservation of the rights and property, it is understood and declared, that no law ought ever to be made or have force in the said territory, that shall in any manner whatever interfere with or affect private contracts, or engagements, *bona fide* and without fraud previously formed." In the debate, which was short, but one remark of Wilson is preserved: "The answer to these objections is that retrospective interferences only are to be prohibited." (Madison Papers, Elliot's *Debates*, Vol. V., p. 485.) Finally on the motion of Rutledge the Convention agreed to a prohibition against the passage by a state of "retrospective laws." (Ibid. The printed journal says "*ex post facto* laws.") In this language the clause was referred to the Committee of Style and Arrangement, consisting of Johnson, Hamilton, Gouverneur Morris, Madison and King, in whose report the phrase "impairing the obligation of contracts," first appears. Although Gouverneur Morris was the man chiefly responsible for the changes in verbiage made by that committee, a tra-

dition first reported in a note by Wheaton to Sturges *vs.* Crowninshield (4 Wheaton's *Reports*, 151), ascribes its authorship to Wilson; and he undoubtedly took it from the works of the Scotch philosopher Thomas Reid, under whom he seems to have studied before his immigration. But although Wilson lectured on the Constitution we can find no suggestion by him that the clause applied to charters or executed grants and was not confined to executory contracts. The only passage from his works that can lend color to such a view is in his argument against the repeal of the charter of the Bank of North America, written two years before the Federal Convention, where the word obligation is used in a way that might bear such a construction. Had James Wilson intended to protect charters by the phrase he would undoubtedly have said so in his lectures before the University of Pennsylvania. (See the discussion in Shirley's *Dartmouth College Causes*, Ch. XII.)

If Mr. Fisher has discovered and will publish any evidence that before the Federal Convention there was any general belief that chartered rights should be protected from state legislation, he will make a valuable contribution to our constitutional history. If not, he should speak less positively on the subject in the next edition of his compilation.

ROGER FOSTER.

*A History of Methodism in the United States.* By JAMES M. BUCKLEY. (New York: The Christian Literature Company. 1897. Two vols., pp. xiii, 472, 481.)

THE aim of Dr. Buckley in these volumes is "to distinguish Methodism from other forms of Protestant Christianity, to explain its origin and trace its development" through the one hundred and thirty years of its existence in the United States. The book is an excellent piece of historical criticism and narration, having many admirable qualities. Good judgment is shown in the selection of events; the treatment is lucid, and the research is seemingly exhaustive. There is rigorous condensation of all minor matters that fuller consideration may be given to events epochal in significance. Recompense is made for omissions caused by abstention from minute treatment in an extended bibliography of exceeding value to the student in Methodism.

Nearly a fourth of the first volume is devoted to the English genesis. Protestantism in England is carefully traced from its beginnings in the reigns of Henry VIII. and Edward VI., and Methodism is given its proper historical setting within this larger movement. "The springing of American Methodism fully fledged from the brain and heart of Robert Strawbridge and Philip Embury" is accounted for in the personality of John Wesley, whose influence on these humble pioneers is described. To determine this personality our author seeks the formative influences of Wesley's life. He chronicles the founder's progenitors, who on both sides were of "gentle birth and ancient lineage;" and tells of the decisive impress of the home, the school, the university and of Peter Bohler, that



devout Moravian from whom Wesley learned the meaning and fruits of faith. The moral degradation and religious laxity of the age is pointed out and authority quoted to the effect that "the darkest period in the religious annals of England was that prior to the preaching of Whitefield and the two Wesleys." In this part of the work we are told why and how Wesley formed Methodism. From its beginning the movement was successful. In 1742, "twenty-three itinerants and several local preachers" recognized the final authority of Mr. Wesley. Twenty-four years later the total membership in England was estimated at more than twenty-two thousand, and before the end of the century it had increased to nearly ninety thousand.

Whether the first American society was organized in New York by Philip Embury, or in Maryland by Robert Strawbridge, has long been a matter of dispute. Dr. Buckley states the arguments for each theory; but holds with Nathan Bangs, Wakely and other writers that priority belongs to Embury's work. He says that "Dr. John Atkinson in *The Beginnings of the Wesleyan Movement in America* exhaustively discusses this question, furnishing cumulative and convincing proof that American Methodism began in New York" (I. 142.) It is to be regretted that our author does not cite what new facts Dr. Atkinson has discovered. So far as Dr. Buckley's *History of Methodism* is concerned the question is as debatable as ever, and we are forced to adopt the conclusion of Dr. Abel Stevens that "The impartial student of early Methodist history will find it expedient to waive the decision of the question till further researches shall afford him more data" (*Hist. of M.E.C.*, I. 72, note.)

The years that followed the formation of the first societies were times of struggle and self-sacrifice. The early leaders were men of marked individuality. Their clear-sighted purpose enabled them to build wisely. While there were differences among them they were all united in allegiance to Mr. Wesley. They believed thoroughly in the doctrines of the movement he had inaugurated; his personality animated them in their labors; and in all things his power was supreme. Along lines laid down by him the Methodist Episcopal Church was organized at Baltimore in 1784. The liturgy, a revision of the English Book of Common Prayer by Mr. Wesley, was to be used; the sacraments were to be administered by a superintendent, elders and deacons; and rules were devised for the induction and ordination of ministers. Thomas Coke and Francis Asbury were elected first superintendents. Four years later the title of superintendent was changed to that of bishop. This displeased Mr. Wesley, though he afterward acquiesced in the change as reasonable and justifiable.

The need of some method of general legislation soon became apparent. To satisfy this need the conference adopted a plan proposed by the bishops for an institution to be called the council. It was to be made up of the bishops and presiding elders. But manifest dissatisfaction with the institution from the outset soon grew into a general protest and the bishops were compelled to consent to its indefinite postponement. Then

came the General Conference of all the preachers which first met, November 1, 1792, in Baltimore. This has become a permanent institution of the church. The constitution for its perpetuation and government was adopted in 1808; and since that time it has been a delegated body.

In clear outline our author sketches the secession of O'Kelley and the establishment of his Republican Methodist Church, which had only a brief and feeble existence; and the attempt of Bishop Coke in 1791 and 1792 to effect a union of the Methodist Episcopal and Protestant Episcopal churches, and seven years later to unite the Wesleyan body of England with the Anglican church. Concisely, too, he treats of the question of lay representation. He sets forth the reasons for the secession of 1828 that resulted in the formation of the Methodist Protestant church, and describes the later movements that have succeeded in giving laymen representation in the highest councils of the mother church.

The question of slavery as it affected the church is treated comprehensively. From its foundation in the United States till 1800, Methodism was unrelenting in its opposition to slavery. The tone of condemnation became less severe in 1804; and four years later all rules forbidding the holding of slaves by private individuals were stricken out. When the abolition movement began in the thirties the Ohio and Baltimore Conferences unhesitatingly condemned it; while those of Philadelphia, Pittsburg and Michigan declared it incompatible with the duties of Methodist preachers to deliver abolition lectures. But in church as well as in state the "irrepressible conflict" was on; the crisis was reached in the General Conference of 1844 when the church was rent in twain. The organization of the Methodist Episcopal Church, South, and the more important events in its history are briefly described; and in still less degree the same is done for the other branches of Methodism. A chapter toward the close of the work is devoted to "propagandism, culture and philanthropy of the Methodist Episcopal Church." The beneficent and educational institutions are carefully grouped. The work of the church in these directions is indeed a magnificent tribute to the evangelism of Methodism, to its founder, John Wesley, and to his followers who came to America infused with his spirit. Dr. Buckley's book is a valuable contribution to our historical literature. It is a clear and concise statement of an influence and an organization—for Methodism is both—that constitute one of the formative forces of our national existence, and that is playing an important part in the making of the world that is to be in the twentieth century.

JOHN WILLIAM PERRIN.

*New Light on the Early History of the Greater Northwest.* The Manuscript Journals of Alexander Henry, Fur Trader of the Northwest Company, and David Thompson, Official Geographer and Explorer of the same Company, 1792-1814. Exploration and Adventure among the Indians on the Red, Saskatchewan,

Missouri, and Columbia Rivers. Edited, with copious critical commentary, by ELLIOTT COUES. (New York: Francis P. Harper. 1897. Three vols., pp. xxviii, vi, 1027.)

DR. COUES has added to his editions of Lewis and Clark and Pike, these three volumes dealing with the travels of Alexander Henry, the younger, and David Thompson, covering the years from 1799 to 1814, and the area along the Red, Saskatchewan, Missouri and Columbia Rivers. They differ from his previous works in being substantially new material, while the others had been printed before. In publishing his Lewis and Clark, Dr. Coues failed to secure the original manuscript of the diaries in time to reprint them, and thus gave us an annotation of the old modified version of Biddle, with occasional appetizing footnotes containing the original text in all its charm of flavor. In dealing with these volumes the method of Dr. Coues is also peculiar. He found the journals of Henry too voluminous to print, and rather verbose. Consequently he "took what grammatical liberties" he pleased, cut out superfluous words, and recast sentences and "made a textual compromise between what he found written and what he might have preferred to write had the composition been his own." One can sympathize with the difficulties of repetition which beset Dr. Coues, but it is obvious that the mode of treatment described would deprive the work of any right to the title of an original authority, and moreover the manuscript used by Dr. Coues is only a copy of the original journals, now apparently lost. The manuscripts of Thompson, the scientist of the Hudson Bay Company, later of the Northwest Company, and then of the International Boundary Commission, and discoverer of the sources of the Columbia, include in their original form the period from 1784 to 1850, and exist in about forty bound volumes. These Dr. Coues used only in the notes to Henry's travels, and therefore he incorporated only the material on the period down to 1812. The work is one that does not suffer so gravely from this editorial remodelling as might have been expected, since it is largely of value as a contribution to the literature of exploration and of the manners and customs of the Indians and the voyageurs of the remote Northwest. One who wishes to see the life of the fur-trader, the advance agent of civilization among the savages, and the Indian himself, in a state of nature, will find it in these pages. No more frank, and appallingly ghastly, photograph of the daily life of the trader in an Indian community has ever been made. The book is for the student of primitive society, the investigator of social origins, and not for the delicate stomach of the general reader. As a contribution to the literature explanatory of the process by which civilization and savagery intermingled and the Indian was exploited, the book is of the first rank.

Alexander Henry, the fur-trader whose journeyings are here related, was the nephew of the Henry who figures in the pages of Parkman. His career affords some additional light upon the methods of the Northwest Company, as well as upon the social conditions mentioned and he was

present at the transfer of Astoria to the British, and gives us an account of the proceeding.

Dr. Coues' notes are voluminous. A vast mass of personal names has been collected, much of it worthless, except perhaps to the local historian; but with this there is abundant evidence of the editor's familiarity with the local geography and with the natural history of the region of the travels. On its historical side and on its anthropological side the work might be improved by an editor of other qualifications.

FREDERICK J. TURNER.

*The Struggle between President Johnson and Congress over Reconstruction.* By CHARLES ERNEST CHADSEY, Ph.D. [Columbia University Studies in History, Economics and Public Law, Vol. VIII., No. 1.] (New York: Macmillan Co. 1897. Pp. 150.)

To say that this book treats of the most interesting and important, and at the same time most tragic event in the civil history of the United States, is not overstating the fact. It is a very complete summary of the mass of Congressional legislation on that delicate and exciting topic, and clearly and forcefully illustrates, not only the extraordinary gravity of the issues of that time, but the varying stages of the process of the reconstructive legislation of Congress rendered seemingly necessary by those issues, this recital ending—as the closing chapter of the book, as it was the close of the record of the Reconstruction era—with a brief chapter on the impeachment of Andrew Johnson in 1868.

In the matter of Reconstruction, and the development of the successive and progressive stages of legislation and changes of conditions that marked its progress, this volume is the most complete presentation of the facts of the history relating thereto, that has ever been grouped in the same compass. It presents also a striking illustration of the advance of public sentiment of that time from a very moderate and conservative to an extreme position. That record of legislation is of itself a quite complete history of the processes of Reconstruction, and is emphasized and rounded out and brought to conclusion by the chapter on the impeachment, and with a moral that will never be forgotten, nor its solemn admonition ever cease to impress the statesman or student of history.

The presentation thus made illustrates, clearly and forcibly, and in historical order, from the beginning to the end of the recital, as the war progressed to conclusion and exigencies developed by changing conditions, the progress of the sentiment of the North from the very moderate position originally occupied by Congress, representing the great mass of the people, to the extremes of public opinion and public demand for what may be termed "obliterative" legislation that characterized the closing year of the war and the year of Reconstruction that followed. It shows that even from that extreme but not illogical sequel of the strife, a still further advance was made, as the strife over Reconstruction continued, to the assumption by Congress of the power to declare and

enforce by arms, that nothing short of the destruction of the states themselves, as political entities, and their reorganization on the basis of equality to all their people, with rigid guarantees for the future, would be acceptable to the victor.

The record presented in this book shows that the course pursued by Congress in relation to Reconstruction developed in a marked degree the characteristics of a Congressional aristocracy—that it was ruled by a few men of marked personality and great power of will that brought men of less individuality and force to unquestioning compliance with their plans—that thus they ruled with an absoluteness of despotism that sought to absorb and did absorb, for a time, not only executive, but also, in a sense, judicial powers, in the reorganization of the revolted states.

Possibly the conditions of the time rendered this necessary. The generations to come may be better qualified to judge of that than those who participated in that great struggle as soldiers and legislators—who carried the sword and the torch, and were afterwards called to crystallize into law the decrees of the sword, and as far as possible by legislation to restore the devastations of the torch, through processes which came to be known as “Reconstruction.” Time, whose judgments are inexorable and know no reversal, will settle that question.

The vanquished, not unnaturally or unreasonably, insisted upon the best terms possible, while the winner was imperious and too often disdainful and revengeful. Too many of those who bore in the field the brunt of the strife seemed to forget that all for which they took up arms was victory and the restoration of a broken Union—not revenge—while too many, also, who had failed to respond to the call of their country when there was fighting to do, after their neighbors had fought out and settled the great paramount question—the preservation of the Union intact—under the stimulus of this extreme legislative action, became suddenly filled with patriotic indignation toward those who had fought out the war and refused to believe that the Union had been broken and needed rebuilding on a new and entirely different plan. It was that class of non-combatants, in large degree, who incited the drastic legislation that characterized the Reconstruction era and blurred the national statutes with laws that properly belonged to the Draconian age.

The book is a carefully prepared exhibit of these various progressive steps in the legislative measures of Reconstruction, from the beginning, in 1863, to the close of the impeachment trial in 1868. The presentation is logical, condensed and as complete as could be in the same space. It will be satisfactory to the reader in search of official information on that very important chapter of American history.

There is blunt but truthful force in the concluding statement of this record of the Reconstruction era, that “the whole period is marked by blunders and prejudices on both sides,” that “the spirit of compromise could find no place in either’s plans.” Looking back over the history of that time, the occasion for that suggestion becomes painfully apparent. “What might have been,” however, as the recital suggests, is as a rule a fruitless topic of discussion.

And yet the lesson of that record will remain one of profound significance and admonition to future ages, not only to the people of America as they come to occupy the continent with a hundred states and a hundred millions more of people, but to all the world, as that world advances in the greatest of all the sciences—the science of political government—a light for their guidance, as also a warning of danger.

Altogether, the book is as complete, fair and intelligent a statement of the occasion it describes as is possible in the space devoted to it, and cannot fail to interest and instruct all who may take the time necessary for its careful perusal and consideration.

EDMUND G. ROSS.

*History of the Scandinavians and Successful Scandinavians in the United States.* Compiled and edited by O. N. NELSON. (Minneapolis, Minn.: The Author. 1893 and 1897. Two vols., pp. xiii, 643 ; xiv, 498.)

IN recent years considerable attention has been paid by historical investigators to local matters and to racial contributions to history. Among works of this description the one under review will take its place as the most elaborate attempt yet made to deal with the Scandinavian element in the United States. In 1893 Mr. Nelson, after much research and with the assistance of collaborators, put forth the first volume of his work, that volume dealing especially with Scandinavians in Minnesota, but containing also brief accounts of early settlements, church organizations and national characteristics. The second volume, just issued, besides containing some historical summaries or essays, treats of Scandinavians in the states of Iowa and Wisconsin.

The work has a two-fold character—it is partly a collection of more or less distinct historic or statistical sketches, partly a biographical dictionary. The unifying feature is, of course, the race element ; but, as these volumes show, even the race characteristics of the three nationalities vary considerably. While all have laid much stress on church and school work, the Norwegians have shown the most conservative adhesion to the Lutheran faith. The Swedes have given evidence of more versatility in religious as well as in other matters, while the Danes, in proportion to their number, have made less progress in these respects. As regards the numerical strength of the Scandinavians, including in this term all persons of Scandinavian parentage, the author computes that in Minnesota somewhat more than one out of every three persons is a Scandinavian, in Wisconsin one out of every seven, and in Iowa not quite one out of every ten. In the matter of crime the Northmen stand very high, and, before 1880, they did so in respect to insanity. Since that date their proportional number of insane persons has largely increased. On this head the author has, in his second volume, a carefully prepared article, which will no doubt be read with interest. Among other articles in this volume is one on Luther College, an institution of learning founded by Norwegian Lutherans in 1861.

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The Scandinavians have admittedly done much to build up the Northwest, materially and morally. Some of this work has been of such a kind as to admit of no statistical record. It has been the silent influence of individual character working out its career according to its light and its native bent. The results have in many cases, especially in religion and in education, taken distinct color from the Norse character. In other cases, for instance in politics, as Mr. Nelson points out, the Scandinavian contribution—such as it has been—is hardly to be distinguished from that made by the native Americans. And this, it is safe to say, has been due less to numerical weakness than to a process of rapid Americanizing.

Since personal character counts for so much, and since much of what Norse energy has achieved in this country is due to individual rather than to organized effort, it is quite proper that a work like this should contain biographies. The greater part of each volume is therefore given over to short sketches of men who have, or are thought to have, attained some success or eminence in their respective callings. The biographies bear, on the whole, the mark of having been carefully and judiciously prepared. Though many of them will possess but little interest to the average reader, yet they form, taken together, a rough index to the traits and qualities of the nationalities with which they are concerned. In some cases the biographies are more elaborate, and properly so. The principle of selection is not always obvious. Some names, at least as well known as several of those included, are omitted; perhaps the owners did not choose to furnish the data. In a work of this kind, dealing often with an enterprise in one article and with a leading promoter of it in another, some repetition was to be expected. Yet more caution might perhaps have been exercised to avoid it. Facts of an impersonal nature have no necessary place in a short biography. Thus, for instance, it would be hard to show how an account of certain dedication exercises (Vol. II., p. 241) throws any appreciable light on a man's life.

Mr. Nelson's undertaking is a commendable one, and he has shown himself qualified to carry it on. He is understood to have the intention of preparing one or more additional volumes to deal with the subject in other states. In this gleaning process naturally some things will be gathered that future workers will think it well to sift out, but the sifting is sure to yield its reward.

ANDREW ESTREM.

*A History of Canada.* By CHARLES G. D. ROBERTS. (Boston, New York, London: Lamson, Wolfe and Co. 1897. Pp. xi, 493.)

Mr. ROBERTS's book is a compilation only, but it is on the whole a successful one. There is promise of a flood of histories of Canada. Three have appeared within a year, but we miss, in them all, original inquiry and independent views. The Canadian Confederation is thirty years old and a strong national life has begun to develop. The world

wants to know all about Canada, but Canadian scholars have not thrown themselves into the work of inquiry as we may hope that they will. Writers on the French period, for instance, still echo Parkman and the French historians who worked before him.

Mr. Roberts is a recruit in history who comes from the fields of poetry and fiction. It must be admitted that, with certain advantages, this brings also drawbacks. The poet is impatient of the laborious sifting of evidence that scientific history involves, and his imagination is apt to cause him to jump at conclusions. It is amusing to see Mr. Roberts settling offhand a question about which volumes of controversy have been written. Thus John Cabot on his first voyage "reached the continent at a point which is now Canadian territory" (p. 6) and he was also the "illustrious discoverer" of Prince Edward Island (p. 180). Mr. Roberts draws upon his imagination too when he pictures the Jesuits, on the shores of the Georgian Bay, as practising princely hospitality, and thus promoting sloth among the whole tribe of Huron warriors (p. 61). Does he realize that everything which the Jesuits possessed reached them by the laborious route of the Ottawa, and was carried in canoes, and, across portages, on the backs of men? Their "princely" hospitality must have been based mainly upon the slender crops which they were themselves able to cultivate.

However, the mistakes of this nature, after all, amount to very little. A more serious fault is that Mr. Roberts sometimes does not find a correct historical setting for events in Canada and that his judgment is often hasty and prejudiced. At the time that Jacques Cartier was entering the St. Lawrence English navigators were not yet "battling with the ships of Spain in the tropics" (p. 8). That struggle came later, in the days of Elizabeth. Whatever ill-informed historians may say, Louisbourg was not surprised in 1745 (p. 17). Some of Warren's ships were already there when Pepperrell's transports arrived, and the garrison had received abundant information about the English plans. Mr. Roberts, in his contempt for the "Boston Tea Party," describes it as "a childish farce" (p. 165), but he seems to overlook the one salient fact that tea was the article chosen by the British government to tax in order to assert authority over the colonies. His prejudices cause him to miss the point again in regard to the *Caroline* incident (p. 300). The trouble was not that the *Caroline* was an American vessel, but that, to cut her out, a Canadian armed force invaded United States territory and committed acts of violence.

Of minor inaccuracies there are a good many. A baronet is not technically a "noble" (p. 48) and a "C. B." would not be a knight (p. 245, note). So ardent a patriot should not call the United States "America" (pp. 360 and 370). Dr. Selwyn resigned the headship of the Geological Survey of Canada some years ago (p. 421). The recently published life of the Marquis de la Jonquière goes to show that he did not grow rich in Canada (p. 122). Mr. Roberts pictures the Chignecto Ship Railway for transporting ships by rail from the Bay of Fundy to the

Gulf of St. Lawrence as being a work of brilliant promise (p. 429). Is he aware that it has been practically abandoned, and that the unfortunate shareholders have probably lost hopelessly the millions which they invested in it? A good many mistakes in the spelling of names need not be designated here. It is not a slight defect, too, that no account of the aborigines is given.

The merits of the book are, however, substantial. The style is good, the arrangement of the matter is excellent, and Mr. Roberts has a just sense of proportion and avoids the fault, which most historians of Canada commit, of giving undue space to the French as compared with the English period. It is striking testimony to the possibilities of the union of the two races in Canada that this story of a great international struggle is so told as to avoid any appeal to the prejudices either of the English or of the French. Mr. Roberts thinks that the Canadian people may reap benefit from their peculiar situation by ripening the good traits both of French and of English character. He is optimistic throughout. He can find it in his heart to think that Canada's slow growth in population is a, not even disguised, blessing (p. 408), and some of his sentences read like Fourth of July declamation: "The figure of our destiny looms splendid and mysterious before us" (p. 437). "The imperial heritage to which Canada thus fell heir is one so vast that nations might be carved from it and the loss scarcely noticed" (p. 361). Canada does not need this turgid rhetoric. She is moving towards a great future, and the best thing that her literary sons can do for her is to make clear the sober historical conditions which have resulted in her present status.

The already famous papyrus fragment recently discovered at Oxyrhynchus, 120 miles south of Cairo, has been edited by the discoverers, Messrs. Grenfell and Hunt, late Fellows of the University of Oxford, under the title *Λόγια Ἰησοῦ, Sayings of Our Lord* (London, Henry Frowde, pp. 20). From the fact that the papyri found in its immediate vicinity belong to the second and third centuries, from the "characteristically Roman aspect" of the handwriting, from the presence of contractions usually found in Biblical MSS., and from the fact that the papyrus was in book-form, not roll-form, the editors assign it to the period 150-300 A. D. We are greatly indebted to them for the speed with which they have given the text of the fragment to the public; but it is probably too early to attempt a definite solution of the historical questions which it raises—we must wait for the discovery of other portions of the papyrus. Of the eight Logia fragments of which are discernible, six are wholly or in great part legible: the first is identical with Luke vi. 42; the second is legalistic ("except ye keep the Sabbath") and perhaps Gnostic ("except ye fast to the world"—but the Greek construction of this phrase is impossible); the third ("I found all men drunken," etc.) is in tone unlike anything in the New Testament; the fifth ("raise the stone and there thou shalt find me," etc.) appears to have a Gnostic tinge; the sixth is, in its first half, substantially identical with Luke iv. 24; the

seventh in an expansion of Matt. v. 14. The editors regard the primitive setting and original character of the Sayings as fixing the composition of the fragment in the period "when the canonical gospels had not yet reached their preëminent position," that is, according to them, not later than 140 A. D.; and they stoutly, and too sweepingly, deny that there is any Gnostic coloring in the fragment. They are probably right in their assertion that there is no good evidence that the Logia are taken from the "Gospel according to the Egyptians," or the "Gospel according to the Hebrews," or that they have any immediate connection with the Logia of Matthew or with those of Papias. Their correspondence with Luke is striking (the seventh Logion, however, rather suggests Matthew), but their divergence from the synoptical gospels is no less striking. They profess to be a collection of the sayings of Jesus—but how and when was the collection made? There were doubtless many such collections in the first and second centuries. Does this fragment contain excerpts from various sources, gospels canonical and uncanonical, and other writings, some of which were tinged with Gnosticism? Or, does it represent an early collection from which our canonical gospels drew? These questions must be left for the present unanswered.

C. H. T.

The contrast between English and American county histories is, to an American historical student, a painful and humiliating thought. It is brought home once more by the new *History of Northumberland*, issued under the direction of a public-spirited committee of gentlemen of the county, headed by Earl Percy and including Dr. Thomas Hodgkin and the late Canon Raine. The third volume of this superb work (London: Simpkin, Marshall and Co., pp. 352) is before us. The first volume dealt with the parish of Bamburgh, the second with certain other northern parishes of the county; the third proceeds to the west, and constitutes Part I. of the portion treating of Hexhamshire, a region having a special interest and a special unity as having been, down to 1572, a separate regality possessed, for several centuries, by the archbishops of York. The present volume is prepared by Mr. Allen B. Hinds, who received much assistance from Canon Raine's standard book on *Hexham Priory*, and from his notes and collections. The volume treats of the regality in general and of the borough of Hexham in particular. There are brief accounts of the geology, agriculture and dialect of Hexhamshire, but the main interest lies in the lucid and learned accounts of the history of the regality, from the times of Queen Etheldrid's grant to bishop Wilfrid (674) to its abolition, of the church and priory of St. Andrew, and of the borough. The first is accompanied by the text of two surveys, one drawn up in 1547, the other in 1608. The history of the church includes an account of its architecture. The history of local government is fully treated, as was to be expected from an author of the modern Oxford school. The volume is illustrated with a dozen admirable photo-gravures and with plans and drawings inserted in the text.

The last noteworthy edition of Bishop Burnet's *History of My Own Time* was that of Dr. Routh (1823, 1833). Mr. Osmund Airy has applied the abundant treasures of his learning, relative to that period, to the preparation of a new edition, of which the first volume, extending to the end of Book II. (1672) has now appeared (Oxford, Clarendon Press, pp. 607). The text has been collated with that of the original MS. in the Bodleian Library. It seems a little surprising that, apparently, no collation or other use has been made of the still more original MS., the partial rough draft in the British Museum (Harl. MS. 6584), from which Ranke nearly a quarter of a century ago derived such interesting results. All possible care has evidently been expended on the annotations. Nearly all the notes of Onslow and Dartmouth have been retained, some of those of Dean Swift, and many of those of Dr. Routh. These are all properly distinguished by initials. In addition, the present editor has supplied a very large amount of valuable illustrative material, derived from original sources, which have been printed since Dr. Routh's final edition appeared, and from other quarters into which his extensive and minute researches into the history of the reign of Charles II. have led him. So complete and so excellent otherwise is the apparatus that the new edition will probably long be the authoritative form of the *History*. The volume is a handsome one; it has no table of contents.

In *The Eastern Question and a Suppressed Chapter of History; Napoleon III. and the Kingdom of Roumania* (Boston, George H. Ellis, pp. 54) Mr. Stuart F. Weld labors, with much success, to exhibit the part which the French emperor, inspired in part by the sentiment of nationality, took in promoting the union of the two Danubian provinces and their eventual independence. His narrative is not wholly critical, and his plea for the emperor is sometimes pushed too far. But it is interesting and, since the episode with which it deals is unfamiliar to most persons, it is likely to do good as a contribution to a juster estimate of Napoleon III. in America.

The aims of Professor Albert Bushnell Hart's *American History told by Contemporaries* (Macmillan Co.) are stated in the preface to be: "First, to put within convenient reach of schools, libraries and scholars authoritative texts of rare or quaint writings in American history, contemporary with the events which they describe; and, in the second place, to give, in a succession of scenes, a notion of the movement and connection of the history of America, so that from this work by itself may be had an impression of the forces which have shaped our history, and the problems upon which they have worked." The design is to be carried out by means of four volumes. The first, now published (pp. xviii, 606), is occupied with the "Era of Colonization," 1492-1689. The second volume, under the title "Building of the Republic," will embrace the period 1689-1783; the third, "National Expansion," 1783-1844; the fourth, "Welding of the Nation," 1845-1897. The volume now issued

contains a hundred and fifty-seven extracts or documents, selected from the most various sources, and averaging somewhat less than four pages in length. First, the discoveries and early voyages are illustrated by a variety of extracts, ranging from the Saga of Eric the Red and the journal of Columbus to the narratives of Father Jogues and Father Marquette, and including many of the best bits of Hakluyt. The problems and processes of colonization are next exemplified by selections from contemporary English writers, like Harrison, and from the records of colonizing corporations. Then the Southern colonies, those of New England, and the Middle colonies are successively dealt with, first in narratives which show the most salient events or phases of the colonial history, and then in descriptions which depict the conditions of colonial life. Thus, extracts from Smith, Wingfield, Hamor and half-a-dozen other writers present famous episodes in the early history of Virginia, while Virginian life in the colonial period is illustrated by portions from the letters of Colonel William Fitzhugh, from Rev. John Clayton's report to the Royal Society, and from Hartwell, Blair and Chilton's *Present State of Virginia*. The mosaic is made with great skill, and the volume, as a whole, gives a most vivid and varied picture of the life and movement of the seventeenth century in America. The pieces are judiciously chosen, and come from a variety of authors so great that few school libraries contain a large proportion of them, while some of the books excerpted are distinctly rare. For the training of college students in the use of sources (within the limits within which this can be practised in colleges) varied extracts covering a large period are not so desirable as a completer collection of sources for a limited field; and the present collection is more likely to be used in schools. But many a college student, not to say many a professor, would find his comprehension of colonial history widened, and his appreciation of its interest heightened, if he would but read through this handsome volume consecutively. The series of extracts from the original sources is preceded by an introduction in which many valuable suggestions are made respecting the use which may be made of them and of the originals from which they are taken.

Vol. XIX. of the "New Jersey Archives" (*Documents relating to the Colonial History of the State of New Jersey*) edited, by authority derived from the state, by Mr. William Nelson, corresponding secretary of the New Jersey Historical Society, is the third volume devoted to newspaper matter. Mr. Nelson's invaluable account of early American newspapers and statement of the libraries in which they may be found is continued in alphabetical order through Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada and New Hampshire. The newspaper extracts relating to New Jersey are continued (from Vol. XII.) from 1751 to 1756. Drawn (chiefly) from the New York and Philadelphia papers of the time, they present an invaluable body of material for the illustration of the social history of the Jerseys, especially in such matters as servitude, land-holding and agriculture, crimes and lotteries.



The first edition of *Historical Collections relating to Gwynedd* (Pennsylvania), by Howard M. Jenkins, was exhausted soon after its publication in 1884. Mr. Jenkins now issues a second edition (Philadelphia, The Author, pp. 456), with corrections and additions, especially in the genealogical sections. The general plan and the substance of the text remain unchanged, and the same modest title is preserved. Though a complete history of this old township of Welsh Quakers was not contemplated by the author, but rather a series of chapters on special subjects, chiefly relating to its early years, yet within the limits which the author proposes to himself he provides a model of accurate local investigation.

The Boston Athenæum has printed, in a well-executed volume of 566 pages, *A Catalogue of the Washington Collection in the Boston Athenæum*, compiled and annotated with great care and with much bibliographical learning, by Mr. Appleton P. C. Griffin. It is now nearly forty years since the plans for such a catalogue were laid. The collection itself came into the possession of the institution in 1848, having been obtained, indirectly, from heirs of the general. The inventory of General Washington's library indicates 884 volumes, not counting pamphlets. Of these the Athenæum has 341. The first, and most important, division of the present volume consists of a catalogue of these books. Each entry is accompanied with proper bibliographical information, and in most cases with extracts from letters of or to Washington, or from his account-books, which show the circumstances under which he acquired the volume. Many, if not most, of the volumes are presentation copies. Accordingly the letters just mentioned, found chiefly in the library of the Department of State, but also industriously sought and consulted elsewhere, are of considerable literary or historical interest. Some of them make certain the authorship of anonyma, as in the case of the *View of the New England Illuminati* and other pamphlets of Rev. John Cosens Ogden. Washington's replies, when they show nothing else, show his tact and discretion. Part II. presents a less elaborate catalogue of other books derived from Mount Vernon, chiefly the former property of Judge Bushrod Washington. Part III. is a catalogue of the Athenæum's collection of Washington's writings, which, beyond the ordinary bibliographical material, contains a useful list (in bibliographical, not in chronological order) of letters of Washington printed elsewhere than in the standard collections of his writings. Part IV. is a catalogue of the Athenæum's Washingtoniana. An appendix, by Mr. W. C. Lane, gives the inventory of the library of General Washington, expanding or explaining the titles there given in abbreviated form, and presenting in notes the subsequent history of each book, so far as possible, and an indication of the present location and ownership. Many students of American history beside the special students of Washington will find the volume useful and informing.

It being now more than a generation since the issue of the last extensive history of the Church of the United Brethren in Christ, the General

Conference of 1889 took steps toward the preparation of a new book on the subject. The result is a *History of the Church of the United Brethren in Christ*, by the Rev. Dr. Daniel Berger (Dayton, United Brethren Publishing House, pp. 682). The plan is comprehensive. The general history of the church and of its general conferences is followed by an account of the development and progress of institutions established to promote special departments of its work, such as publication, missionary activity and education; by a brief history of each local conference, and by historical and statistical tables. As is usually the case with American denominational histories, the earlier chapters of the narrative are the most interesting, though the writer has here obtained few materials beyond those used by Spayth. In tracing the history of Philip William Otterbein and Martin Boehm, and of the process by which the new organization, with its Arminian and revivalist spirit, was built up out of materials supplied by the German Reformed and Mennonite churches, Dr. Berger is led inevitably to present to some extent a picture of the religious and social condition of the better sort of German inhabitants of Pennsylvania and Maryland a hundred and twenty years ago. The rest of the book, though carefully prepared and well written, and animated by a liberal spirit in treating of controversies, lacks this element of personal interest. Like our denominational histories generally, it is a history of the clergy and of the organization rather than one which enables the reader to estimate the laity, to judge of their mental and moral condition and religious characteristics, and so to "place" the denomination as an ingredient and force in American life. But within its limits the book is a valuable record of a religious body now numbering some 240,000 communicants, mostly in Pennsylvania, West Virginia, Ohio, Indiana and Illinois.

## BIBLIOGRAPHICAL

### *A List of Printed Commissions and Instructions to Royal and Proprietary Governors in the English Colonies of North America*

THIS list includes only documents which are printed in full, excluding summaries and extracts. The term "instructions" also requires explanation. As used here, it means the formal document which, together with the commission, was given to each governor on his appointment to his province. Single articles or so-called additional instructions which appear from time to time in the records of nearly every province are not recorded here. Ordinary letters from the home government, or from proprietors, are excluded even though they may contain more or less formal instructions on many matters connected with the government of the province. Commissions to lieutenant-governors are enumerated only when the officer bearing that title was the regular, and not merely the provisional, head of the provincial government, the formal title of governor being reserved for the proprietor or one of the proprietors.

It should be said further that all the British colonies are not included in this list, but only those which afterwards became part of the United States.

In addition to the documents given below, there may be found in Stokes, *Constitution of the Colonies*, p. 150, the form of a royal commission with arbitrary dates and without names.

EVARTS B. GREENE.

- 1610. Proprietary commission to Lord La Warr, governor of Virginia.  
In Brown, *Genesis of the United States*, I. 375.
- 1618. Proprietary instructions to George Yeardly, governor of Virginia.  
In *Virginia Magazine of History and Biography*, II. 154.
- 1624. Royal commission to Sir Francis Wyatt, governor, and the council of Virginia. In Rymer, *Foedera*, XVII. 618.
- 1626. Royal commission to George Yeardeley, governor, and the council of Virginia. In Rymer, *Foedera*, XVIII. 311.
- 1626. Royal instructions to Sir George Yardly, governor of Virginia.  
In *Virginia Magazine of History and Biography*, II. 393.
- 1628. Royal commission to John Harvey, governor, and the council of Virginia. In Rymer, *Foedera*, XVIII. 980.

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1635. Proprietary commission to John Winthrop, the younger, governor of the river Connecticut. In Trumbull, *History of Connecticut*, I. 497.
1636. Royal commission to John Harvey, governor, and the council of Virginia. In Rymer, *Foedera*, XX. 3.
1637. Proprietary commission to Leonard Calvert, governor, and the council of Maryland. In Bozman, *History of Maryland*, II. 572. Also in *Maryland Archives*, III. 49.
1641. Royal commission to Sir William Berkeley, governor, and the council of Virginia. In Rymer, *Foedera*, XX. 484.
1641. Royal instructions to Sir William Berkeley, governor of Virginia. In *Virginia Magazine of History and Biography*, II. 281.
1642. Proprietary commission to Leonard Calvert, governor of Maryland. In Bozman, *History of Maryland*, II. 621. Also in *Maryland Archives*, III. 108.
1644. Proprietary commission to Leonard Calvert, governor of Maryland. In Bozman, *History of Maryland*, II. 631. Also in *Maryland Archives*, III. 151.
1648. Proprietary commission to William Stone, governor of Maryland. In Bozman, *History of Maryland*, II. 642. Also in *Maryland Archives*, III. 201.
1656. Proprietary commission to Josias Fendall, governor of Maryland. In Bozman, *History of Maryland*, II. 689. Also in *Maryland Archives*, III. 323.
1660. Proprietary commission to Philip Calvert, governor of Maryland. In *Maryland Archives*, III. 391.
1661. Proprietary commission to Charles Calvert, governor of Maryland. In *Maryland Archives*, III. 439.
1662. Royal instructions to Sir William Berkeley, governor of Virginia. In *Virginia Magazine of History and Biography*, III. 15.
1664. Proprietary commission to Richard Nicolls, governor of New York. In *Pennsylvania Archives*, second series, V. 509.
1665. Proprietary commission to Sir John Yeamans, governor of Clarendon County. In *North Carolina Colonial Records*, I. 97.
1665. Proprietary instructions to Sir John Yeamans, governor, and the council of Clarendon County. In *North Carolina Colonial Records*, I. 95. Also in Rivers, *Sketch of the History of South Carolina*, 338.
1665. Proprietary commission to Philip Carteret, governor of New Jersey. In *New Jersey Archives*, I. 20.
1665. Proprietary instructions to Philip Carteret, governor of New Jersey. In *New Jersey Archives*, I. 21.
1666. Proprietary commission to Charles Calvert, governor of Maryland. In *Maryland Archives*, III. 542.
1667. Proprietary commission to Samuella Stephens, governor of Albemarle County. In *North Carolina Colonial Records*, I. 162.
1667. Proprietary instructions to Samuella Stephens, governor of Albemarle County. In *North Carolina Colonial Records*, I. 162.

1669. Proprietary commission to William Sayle, governor of Carolina, south and west of Cape Carteret. In Rivers, *Sketch of the History of South Carolina*, 340.
1669. Proprietary instructions to the governor and council at Port Royal, Carolina. In Rivers, *Sketch of the History of South Carolina*, 347.
1670. Proprietary instructions to the governor and the council of Albemarle County. In *North Carolina Colonial Records*, I. 181.
1671. Proprietary instructions to the governor and council of Ashley River. In Rivers, *Sketch of the History of South Carolina*, 366.
1674. Proprietary instructions to Andrew Percival, governor of a new plantation on the Edisto River. In Rivers, *Sketch of the History of South Carolina*, 387.
1674. Proprietary commission to Philip Carteret, governor, and the council of New Jersey. In Leaming and Spicer, *Grants and Concessions*, 58.
1674. Proprietary instructions to Philip Carteret, governor, and the council of New Jersey. In *New Jersey Archives*, I. 167.
1674. Proprietary commission to Edmund Andros, governor of New York. In *New York Colonial Documents*, III. 215. Also in *New Jersey Archives*, I. 156.
1674. Proprietary instructions to Edmund Andros, governor of New York. In *New York Colonial Documents*, III. 216.
1675. Royal commission to Thomas Lord Culpeper, governor of Virginia. In Hening, *Statutes at Large*, II. 565.
1676. Proprietary commission to Thomas Eastchurch, governor of Albemarle County. In *North Carolina Colonial Records*, I. 232.
1676. Proprietary instructions to the governor and council of Albemarle County. In *North Carolina Colonial Records*, I. 230.
1679. Proprietary instructions to John Harvey, president, and the council of Albemarle County. In *North Carolina Colonial Records*, I. 235.
1679. Royal commission to John Cutt (or Cutts), president, and the council of New Hampshire. In *New Hampshire Provincial Papers*, I. 373. Also prefixed to *New Hampshire Province Laws*, ed. 1771.
1681. Proprietary instructions to Henry Wilkinson, governor, and the council of Albemarle. In *North Carolina Colonial Records*, I. 333.
1681. Proprietary commission to William Markham, governor of Pennsylvania. In *Charter and Laws of Pennsylvania*, 470.
1682. Royal commission to Edward Cranfield, governor of New Hampshire. In *New Hampshire Provincial Papers*, I. 433.
1682. Royal instructions to Edward Cranfield, governor of New Hampshire. In *New Hampshire Provincial Papers*, I. 443.
1682. Proprietary commission to Thomas Dongan, governor of New York. In *New York Colonial Documents*, III. 328.

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1683. Proprietary commission to Robert Barclay, governor of East New Jersey. In Smith, *History of New Jersey*, 166.
1683. Proprietary commission to Gawn Laurie, deputy-governor of East New Jersey. In *New Jersey Archives*, I. 423.
1683. Proprietary instructions to Gawen Lawrie, deputy-governor of East New Jersey. In *New Jersey Archives*, I. 426.
1683. Proprietary instructions to Thomas Dongan, governor of New York. In *New York Colonial Documents*, III. 331.
1684. Royal commission to Thomas Lord Culpeper, governor of Virginia. In *Calendar of Virginia State Papers*, I. 14.
1686. Royal commission to Thomas Dongan, governor of New York. In *New York Colonial Documents*, III. 377.
1686. Royal instructions to Thomas Dongan, governor of New York. In *New York Colonial Documents*, III. 369.
1686. Royal commission to Sir Edmund Andros, governor of New England. In Force, *Tracts*, IV, No. VIII.
1688. Royal commission to Sir Edmund Andros, governor of New England. In *New York Colonial Documents*, III. 537.
1688. Royal instructions to Sir Edmund Andros, governor of New England. In *New York Colonial Documents*, III. 543.
1689. Proprietary commission to Philip Ludwell, governor of Carolina, north and east of Cape Fear. In *North Carolina Colonial Records*, I. 360.
1689. Proprietary instructions to Philip Ludwell, governor of Carolina, north and east of Cape Fear. In *North Carolina Colonial Records*, I. 362.
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1690. Proprietary commission to Lionell Copley, governor of Maryland. In *Maryland Archives*, VIII. 200. (Draft.)
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- 1692. Royal commission to Benjamin Fletcher, governor of New York. In *New York Colonial Documents*, III. 827. Also in *Minutes of the Provincial Council of Pennsylvania*, I. 357.
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- 1692. Royal instructions to Benjamin Fletcher, governor of Pennsylvania. In *New York Colonial Documents*, III. 861.
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- 1694. Proprietary commission to John Archdale, governor of Carolina. In *North Carolina Colonial Records*, I. 389.
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1720. Royal instructions to Francis Nicholson, governor of South Carolina. In Rivers, *Chapter in the History of South Carolina*, 68.
1727. Royal commission to John Montgomery, governor of New York. In *New York Colonial Documents*, V. 834.
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1754. Royal instructions to Arthur Dobbs, governor of North Carolina. In *North Carolina Colonial Records*, V. 1107.
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1771. Royal instructions to John, Earl of Dunmore, governor of Virginia. In Aspinwall Papers, *Massachusetts Historical Society Collections*, fourth series, X. 630.
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To the list of civil lists given in the July number an addition may be made, on p. 764 of Vol. II. In No. XVII. of the *Papers of the Historical Society of Delaware*, at pp. 32-34, Judge I. C. Grubb gives a list of the members of the colonial and state judiciary of Delaware, extending throughout its history.

## NOTES AND NEWS

Dr. Frederick D. Stone, who for twenty-one years had been librarian of the Pennsylvania Historical Society, and had been a principal agent in promoting the remarkable recent development of that society, died on August 12, aged fifty-six. He had edited the *Pennsylvania Magazine of History and Biography* from its beginning, and had contributed largely to its pages. He wrote chapters on Pennsylvania history in the *Narrative and Critical History of America*, and in collaboration with Professor J. B. McMaster produced *Pennsylvania and the Federal Constitution, 1787-88*. His large stores of learning in Pennsylvania history were freely and with great geniality placed at the service of all who engaged in researches in that field.

Hon. Edward L. Pierce, of Massachusetts, died in Paris on September 7, aged sixty-eight. He was prominent in public life, as a Free Soiler and afterward as a Republican, and held several federal and state offices, chiefly such as were connected with philanthropic objects, such as the care of the freedmen at the close of the Civil War. He wrote one highly important historical work, his *Life and Letters of Charles Sumner*, 4 vols., 1877-1893, a political biography of the first rank.

Dr. J. Hammond Trumbull died in Hartford on August 5. He was born in 1821. Being assistant secretary of state of Connecticut from 1847 to 1852, and from 1858 to 1861, he inaugurated the series of *Colonial Records of Connecticut*, subsequently completed by Dr. C. J. Hoadly, and edited the first volumes. He was for many years president of the Connecticut Historical Society, and wrote many articles on historical subjects. An active founder of the American Philological Association, he was specially noted for his wide learning in respect to the languages of the Indians.

Mr. William Spohn Baker, an eminent authority in respect to the life of Washington, died in Philadelphia on September 8, aged seventy-three. Mr. Baker was a vice-president of the Historical Society of Pennsylvania, and had published much upon the history of engraving. Beside several works on the portraits of Washington, he compiled two important books of reference relating to his career, his *Itinerary of General Washington from 1775 to 1783*, and the continuation mentioned on another page.

Rev. Dr. Abel Stevens, the historian of the Methodist Church, died in California on September 13, at the age of eighty-two. More than half of his active life he spent as an editor of religious papers. His *His-*

*tory of the Methodist Episcopal Church in the United States of America*, in four volumes, was published in 1864-1867.

General Régis de Trobriand, who was born in France in 1816 and came to this country in 1841, died on July 15. His military title was derived from services in the Civil War, upon which he wrote several well known books, the most important bearing the title *Four Years with the Army of the Potomac*.

Alfred, Ritter von Arneth, died on July 30, aged seventy-eight. For many years he was director of the Austrian archives and, more recently, president of the Academy of Vienna. His fame as a historian rests on nine works relating to Maria Theresa and Marie Antoinette which he published between 1863 and 1877, the most important being his *Geschichte Maria Theresia's*, 4 vols., 1863-1870.

Sir John Skelton, K. C. B., LL.D., vice-president of the Local Government Board for Scotland, died at Edinburgh on July 20, at the age of sixty-six. A distinguished advocate and official, he was also noted for his historical volumes, *The Impeachment of Mary Stuart*, 1876; *Maitland of Lethington and the Scotland of Mary Stuart*, 1887, probably his most important work; and a volume entitled *Mary Stuart* (1893).

Mrs. Margaret Oliphant, novelist and author of *Historical Sketches of the Reign of George II.*, *The Makers of Florence*, *The Makers of Venice*, and *The Makers of Modern Rome*, died at Wimbledon, England, on June 25, at the age of sixty-nine.

Professor A. C. Armstrong, of Wesleyan University, has been appointed to a chair in history in Princeton University.

*A Bibliography of the Anthropology and Ethnology of Europe*, by Professor William Z. Ripley, of the Massachusetts Institute of Technology, is to appear shortly in the *Bulletins* of the Boston Public Library. It will include nearly fifteen hundred titles, taken from the original sources. Primarily concerning the physical anthropology of Europe and the allied peoples of Asia and Africa, in which field it aims to be exhaustive, it will contain very complete lists of authorities on pre-historic archæology and historical ethnology. The *Bibliography* will also give references to original cartographical material of various sorts, and will have a full subject-index. Dr. Ripley expects, after appropriate revision, to make up into a book a series of articles on the racial geography of Europe, which he has been contributing to the *Popular Science Monthly*.

The *Quarterly Statement* of the Palestine Exploration Fund for July announces that the excavations at Jerusalem have ceased on account of the expiration of the firman permitting them. Application has been made to the Porte for leave to undertake excavations elsewhere. A mosaic map of Christian Palestine and Egypt, dating from the fifth century, has recently been discovered at Mâdeba in Moab, and seems likely to be an important historical document.

In the *Nation* for July 1, July 22, July 29, and August 26, Professor J. R. S. Sterrett presents accounts of the history and operations of the schools of archæology at Athens—German, French, American and English.

In the September number of the *North American Review* Professor Goldwin Smith has an article entitled *Are Our School Histories Anglo-phobe?*

#### ANCIENT HISTORY.

The Zunz-Stiftung in Berlin offers a prize of 2500 marks for the best treatise on the history of the Jews in Babylonia. The date for delivery is before July 1, 1899.

A long-expected and important contribution to the architectural portion of Greek archæology is *Das Griechische Theater: Beiträge zur Geschichte des Dionysos-Theaters in Athens und anderer Griechischer Theater*, by Wilhelm Dörpfeld and Emil Reisch (Athens: Barth and Von Hirst; New York: Lemcke and Buechner).

A subject akin to that of one of the articles published in the present issue of the *REVIEW* is treated by Dr. H. R. Fairclough, in a dissertation on *The Attitude of the Greek Tragedians toward Nature*, a dissertation for the doctor's degree at the Johns Hopkins University.

The Greek inscriptions of Phocis, Locris, Ætolia, Acarnania and the Ionian islands, edited by Wilhelm Dittenberger, are presented in the last issue (Vol. III., fasc. I.) of the *Corpus Inscriptionum Græcarum Græciæ Septentrionalis* (Berlin, G. Reimer, pp. 212).

The Clarendon press has printed a volume of *Sources for Greek History between the Persian and the Peloponnesian Wars*, collected and arranged by Mr. G. F. Hill, of the British Museum.

It is not out of place in a historical review to take notice of so excellent a manual of palæography as the book on *Latin Manuscripts* prepared by Professor Harold W. Johnston, of the University of Indiana (Chicago, Scott, Foresman and Co., pp. 130). Beside dealing with the material characteristics, the transmission, and the preservation of manuscripts, Mr. Johnston takes up the subject of textual criticism. His book is illustrated with excellent fac-similes.

Dr. Hermann Peter has lately published, in two volumes (Leipzig, B. G. Teubner, pp. 478, 410), *Die geschichtliche Literatur über die römische Kaiserzeit bis Theodosius I. und ihre Quellen*. The book is one of great importance, discussing fully the development of Roman historiography, imperial and senatorial, pagan and Christian.

The third volume of Professor Bury's new edition of Gibbon's *Decline and Fall* (London, Methuen and Co.; New York, Macmillan) contains in its appendix several learned dissertations relating, for instance, to the Picts and Scots, the origin of the Huns, the libraries of Alexandria, and Alaric.

Noteworthy articles in periodicals: A. J. Delattre, *Les dernières Découvertes aux Pays Bibliques* (Revue des Questions Historiques, July); C. F. Aiken, *The Avesta and the Bible* (Catholic University Bulletin, July); J. Beloch, *Zur Bevölkerungsgeschichte des Alterthums* (Jahrbücher für Nationalökonomie, LXVIII. 3); U. Köhler, *Probleme der Vorgeschichte Griechenlands* (Sitzungsberichte der k. Preuss. Akademie der Wiss., 1897, Stück 14); J. Beloch, *Zur griechischen Vorgeschichte* (Historische Zeitschrift, LXXIX. 2).

#### EARLY CHURCH HISTORY.

After long preparation, the Prussian Academy has now begun to publish its series *Die griechischen christlichen Schriftsteller der ersten drei Jahrhunderte*. It is expected that about three volumes will be issued each year, and that the whole series will consist of about fifty volumes. It will include not only the Fathers, but also the text of early Christian documents in Greek, such as the acts of the martyrs, etc. The first issue is the first volume of the works of Hippolytus, ed. Bonwetsch and Achelis (Leipzig, J. C. Hinrichs). While the work is going on the same committee of the Academy will publish a periodical *Archiv für die älteren christlichen Schriftsteller*, a new series, virtually, of Gebhardt and Harnack's *Texte und Untersuchungen*.

The Vienna editors of the *Corpus Scriptorum Ecclesiasticorum Latinorum* have brought out, as Vol. XXVII., fasc. II., the treatise *De Mortibus Persecutorum* of Cæcilius, attributed to Lactantius.

Mr. Papadopoulos-Kerameus has now brought out at St. Petersburg, at the cost of the imperial government, the third volume of his *Ἑποσολομυτικὴ Βιβλιοθήκη*, or catalogue of the Greek manuscripts in the library of the patriarch of Jerusalem (pp. 440).

In the series of *Translations and Reprints from the original Sources of European History*, published by the historical department of the University of Pennsylvania, Volume I., No. 4, relates to the early Christian persecutions. It contains a number of extracts from Christian and pagan writers respecting the persecutions by the various emperors, the longest extract being the account from Eusebius of "The Persecution at Lyons and Vienna" (why not Vienne?)

M. Paul Bedjan has just published in Paris (pp. 598) an editio princeps of the Syriac version of the ecclesiastical history of Eusebius, *Eusèbe de Césarée, Histoire Ecclésiastique*.

#### MEDIEVAL HISTORY.

The new edition, undertaken by the Berlin Academy, of the *Corpus Scriptorum Historiæ Byzantinæ* is now completed, the fiftieth and last volume having been finished by the edition of Zonaras, *Epitome*, Tom. III., ed. Theodor Büttner-Wobst (Bonn, E. Weber, pp. 933).

Messrs. Methuen and Co. are about to begin a series under the title of *Methuen's Byzantine Texts*, under the general editorship of Professor



J. B. Bury. The first volume will be Evagrius, edited by Professor Léon Parmentier and M. Bidez.

The Palestine Exploration Fund have issued an English translation of the *Life of Saladin* by Beha ed-din (or Bohadin) (pp. 440).

Father Conrad Eubel, Franciscan, papal penitentiary in Rome, will shortly publish (Münster, Regensburg) the first volume of an important work of reference: *Hierarchia Catholica Medii Aevi*, containing as complete data as possible regarding all elections of popes and nominations of cardinals and bishops, from the time of Innocent III. to about 1550. The work is based on researches in the Vatican archives, and will consist of two volumes.

In the transactions of the Royal Academy of Belgium, Professor Paul Fredericq has published an exhaustive essay on the dancing mania of the fourteenth century.

Dr. George C. Keidel has brought out (Baltimore, The Freidenwald Co., pp. 76) the first fascicule of *A Manual of Esopic Fable Literature, for the period ending A. D. 1500*, in which 178 incunabula are catalogued with extreme bibliographical minuteness.

Noteworthy articles in periodicals: J. B. Bury, *The Turks in the Sixth Century* (English Historical Review, July); Georg Grupp, *Die Anfänge der Geldwirtschaft* (Zeitschrift für Kulturgeschichte, IV. 4, 5); J. Guiraud, *Saint Dominique et la Fondation du Monastère de Prouille* (Revue Historique, July).

#### MODERN EUROPEAN HISTORY.

In the Macmillan Co.'s series of *Periods of European History*, the volume covering the period from 1494 to 1598, by Mr. A. H. Johnson, has just been issued.

The institute of the Görres Gesellschaft in Rome has made plans for the publication of a new edition of the acts of the Council of Trent, *Concilii Tridentini Monumentorum quae extant Collectio Nova*. Provision has been made for the editing of the earlier portions by Drs. Ehses, Merkle, Hoffman and Domarus respectively.

The ninth volume of the *Transactions* of the Royal Historical Society contained, as was mentioned in these pages, a translation of that portion of the journal of Lupold von Wedel which related to his journey through England and Scotland made in 1584 and 1585. The whole of his journal, comprising, beside the above, his account of his travels in Hungary, Palestine, Egypt, Spain, Portugal and France (1572 to 1593), together with some narratives of military service, has now been printed as the forty-fifth volume of *Baltische Studien*.

M. Albert Malet's *Histoire Diplomatique de l'Europe aux XVII<sup>e</sup> et XVIII<sup>e</sup> Siècles* (Paris, Dentu) consists of the lectures on this subject which he gave to King Alexander of Servia.

An interesting year of European history (October 1740–October 1741) is covered by Antonio Matscheg's *Storia Politica di Europa dal cominciare del Regno di Maria Teresa allo Sciogliersi della Convenzione di Kleinschnellendorf, studiata sui Dispacci dei veneti Ambasciatori nell' Archivio di Stato à Venezia in commessione colle altre fonti* (Belluno, Deliberali, pp. 548).

Dr. Wilhelm Altmann continues his collections of constitutional documents for the use of students by a volume of *Ausgewählte Urkunden zur ausserdeutschen Verfassungsgeschichte seit 1776* (Berlin, R. Gärtner, pp. 278.)

We ought before this to have mentioned Commandant Palat's *Bibliographie générale de la Guerre de 1870–1871* (Paris, Berger-Levrault, pp. 600).

Professor Otto Henne-am Rhyn's *Allgemeine Kulturgeschichte von der Urzeit bis auf die Gegenwart* is now completed by the publication of its seventh volume, treating of the period from the foundation of the German Empire to the present day (Leipzig, O. Wigand, pp. 609).

#### GREAT BRITAIN.

The *Proceedings* of the Geographical Society for the session of June 17 contains a paper by Professor F. York Powell, advocating the establishment in England of a school similar to the École des Chartes at Paris.

The recent historical publications of the British Government include Vol. III. (1342–1362) of the *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland*, and Vol. XV. (1587–1588) of the *Acts of the Privy Council of England*, edited by Mr. J. R. Dasent.

Professor Goldwin Smith is expected shortly to issue through the Macmillan Co. his *Political History of England* (two vols.).

The Clarendon Press has begun the issue of the sixth edition of Bishop Stubbs's *Constitutional History of England*. Vol. I. has now appeared.

*The Royal Navy: a history from the earliest times to the present*, in five volumes, the elaborate and comprehensive work which various authors are preparing under the editorial care of Mr. W. Laird Clowes, and of which the first volume, embracing the period to A. D. 1600, has now appeared, is in America issued by Messrs. Little, Brown and Co.

Mr. T. Fisher Unwin proposes to issue a series of volumes under the general title of *Builders of Greater Britain*, under the editorial supervision of Mr. H. F. Wilson, legal adviser to the Colonial Office. The first eight volumes include biographies of Sir Walter Raleigh, by Major Martin A. S. Hume; Sir Thomas Maitland, by Walter Frewen Lord; John Cabot and his sons, by Sir A. J. Arbuthnot; Edward Gibbon Wakefield, by R. Garnett; Rajah Brooke, by Sir Spenser St. John; Ad-

miral Philip, by Louis Becke and Walter Jeffrey; Sir Stamford Raffles, by the editor.

Part IV. of the appendix to the *Fifteenth Report of the Historical Manuscripts Commission* constitutes Vol. IV. of the Commission's calendar of the manuscripts of the Duke of Portland preserved at Welbeck Abbey.

The corporation of Bristol have arranged for the preparation and issue of a calendar of their records, to be edited by Mr. Francis B. Bickley, of the British Museum.

The *Records of the Borough of Northampton*, which are being edited by Mr. Christopher Markham and Dr. I. Charles Cox, for the corporation, will shortly be ready for issue. There will be two volumes; the first containing extracts from the Domesday Book, the charters, and the Liber Custumarum; the second based mainly on the Orders of Assembly and more modern records.

The fourth volume in Messrs. Ginn's Library of Anglo-Saxon Poetry is *Maldon and Brunnanburh*, edited by Professor C. L. Crow, of Weatherford College, Texas.

The Clarendon Press has published in two volumes the *Opus Majus* of Roger Bacon, edited by Mr. John Henry Bridges, fellow of the Royal College of Physicians.

Professor T. F. Tout is editing for the Royal Historical Society the records of the great judicial scandal of 1289-1290 in which most of the English judges and royal ministers were implicated and which led to the disgrace of the great chief-justice R. de Hengham, with his colleague T. de Weyland and many others. These records, which were discovered about four or five years ago by the director of the society, Mr. Hubert Hall, will throw much new light on the period covered by Bishop Stubbs's *Chronicles of Edward I. and II.* (Rolls Series). They will also necessitate an entire revision of the biographies of the great justices concerned, as given in Foss and other standard authorities.

The Cambridge University Press has issued Vol. 2 of the *Statutes of Lincoln Cathedral*, arranged by the late Henry Bradshaw, and now edited by Mr. Christopher Wordsworth. This volume contains statutes earlier and later than those in the Black Book, the Novum Registrum, and documents from other churches of the late foundation.

Messrs. Simpkin, Marshall and Co. publish a volume of *Documents relating to the History of the Cathedral Church of Winchester in the Seventeenth Century*, edited by the dean, Dr. W. R. W. Stephens, and Dr. F. T. Madge.

The foundation-stone of the Cabot Memorial Tower on Brandon Hill, Bristol, was laid on June 24, by the Marquis of Dufferin and Ava, who read a copy of a hitherto unknown entry relating to Cabot, recently found among the muniments of the chapter-house at Westminster.

Under the title of *The People for whom Shakespeare Wrote*, Dr. Charles Dudley Warner has published a series of essays on the daily life

of the people of the Elizabethan age, based upon accounts given by contemporary Englishmen and by foreigners who visited England in the reign of Queen Elizabeth (Harper, pp. 187).

Professor S. R. Gardiner has printed under the title *What Gunpowder Plot Was* (Longmans, pp. 216) a reply to Father Gerard's essay *What Was the Gunpowder Plot?* The volume contains several plans of the palace of Westminster and the Houses of Parliament illustrating the events. The second volume of Professor Gardiner's *History of the Commonwealth and Protectorate* is to be expected this autumn.

Mr. W. Foster, of the India Office, is preparing a new edition of Sir Thomas Roe's journal of his mission to India, 1615-1619, in which much fresh material will be incorporated. A life of Sir Thomas Roe, by Mr. Stanley Lane-Poole of the British Museum, is also to be published.

Messrs. Swan, Sonnenschein and Co. expect to publish this autumn Mr. B. B. Turner's volume of *Chronicles of the Bank of England*, illustrated with reproductions of various old maps, and with other pictures.

Mr. Henry Farrar's *Index to Marriages in the Gentlemen's Magazine*, of which the first part covered the years from 1731 to 1780, is to be continued in four volumes extending from 1781 to 1868. The edition is limited to 250 copies. The publishers will be Messrs. Swan, Sonnenschein and Co.

The sixth and last volume of *Social England*, edited by Mr. H. D. Traill, covers the period from 1815 to 1885. It includes accounts of the literary history of the century, by the editor; of the history of agriculture, arts, sciences and industrial development.

The late Sir John Henry Briggs, Reader to the Lords and Chief Clerk to the Admiralty, left behind him the manuscript of an important and highly interesting book, which has now been brought out by Messrs. Sampson, Low, Marston and Co., under the editorial care of Lady Briggs. It is entitled *Naval Administrations, 1827-1892, the Experiences of 65 years, from the Accession of H. R. H. the Duke of Clarence as Lord High Admiral to the End of the Administration of Lord George Hamilton*.

Noteworthy articles in periodicals: J. H. Round, *La Bataille de Hastings* (Revue Historique, September); J. E. Morris, *The Archers at Crecy* (English Historical Review, July); M. Sellers, *York in the Sixteenth and Seventeenth Centuries* (English Historical Review, July); B. Williams, *The Duke of Newcastle and the Election of 1734* (English Historical Review, July); *Unpublished Letters of George Canning* (Quarterly Review, July); W. J. Ashley, *The Tory Origin of Free Trade Policy* (Quarterly Journal of Economics, July).

#### FRANCE.

M. Gaston Paris has prepared for Vol. XXXII. of the *Histoire Littéraire de la France* (separate, pp. 171) an authoritative treatise on *Jean, sire de Joinville*.

In the series of "Tudor Translations" edited by Mr. W. E. Henley, the latest issue is the *Historie of Philip de Commines, Knight, lord of Argenton*, Englished by Thomas Danett, 1596.

In the series of *Ordonnances des Rois de France*, the Academy of Moral and Political Sciences has published Vol. VII. of its *Catalogue des Actes de François I<sup>er</sup>*, containing over six thousand acts.

Baron de Ruble's *Jeanne d'Albret et la Guerre Civile*, Vol. I. (Paris, Paul et Guillemin, pp. 475), extends from the opening of hostilities to the peace of Amboise, March, 1563, and is a continuation of his *Antoine de Bourbon et Jeanne d'Albret*.

M. Paul Masson's *Histoire du Commerce Français dans le Levant au XVII<sup>e</sup> Siècle* (Paris, Hachette, pp. 553) is an essay of much importance in economic history, based on careful researches, especially in the archives of the chamber of commerce at Marseilles.

Mr. James Breck Perkins's *France under Louis XV.* is announced for publication this autumn by Messrs. Houghton, Mifflin and Co.

M. P. de Nolhac has followed his *La Reine Marie-Antoinette* with a volume, admirable in contents and beautifully illustrated, on *La Dauphine Marie-Antoinette* (Paris, Boussod et Valadon).

The *Memoirs* of Bertrand Barère, chairman of the Committee of Safety during the Revolution, now appears for the first time in an English translation (London, H. S. Nichols, four vols.), executed by Mr. De V. Payen-Payne.

M. Léon Lecestre has undertaken to publish the inedited letters of Napoleon between 1799 and 1815, *Lettres inédites de Napoléon I<sup>er</sup>* (Paris, Plon, Nourrit et Cie.). These two volumes are of great interest, since most of the letters omitted from the *Correspondance de Napoléon I<sup>er</sup>*, officially published by Napoleon III., were so omitted because deemed likely to compromise the fame of the Emperor or of those who surrounded him. An English translation by Lady Mary Loyd, entitled *The Suppressed Letters of Napoleon*, is to be brought out by Messrs. D. Appleton and Co.

Under the title *Le Régistre de l'Ile d'Elbe ; Letters et Ordres inédites de Napoléon I<sup>er</sup>, 28 mai 1814-22 fevrier 1815* (Paris, Fontemoing, pp. 310), M. Léon G. Pélassier publishes, from a copy of the imperial secretary's letter-book preserved in the library of Carcassonne, a large number of letters written during the residence in Elba, and often highly characteristic.

The *Revue Bleue* began in May the serial publication (in French) of the official reports of the Russian representative at St. Helena, Ram-say de Balmain, which are said to be more valuable than the French and Austrian.

M. Henri Welschinger's *Le Roi de Rome*, 1811-1832 (Paris, Plon, pp. 493), is perhaps the most careful and complete study of its subject

that has yet been made. M. Welschinger complains in the *Revue Historique* that documents in the archives of Vienna which were, it seems, placed at the disposal of Wertheimer, were concealed from him.

The opening of the archives of the French Foreign Office down to 1830 has given opportunity for the preparation of M. Léon de Crouzas-Crétet's *Le Duc de Richelieu en Russie et en France, 1766-1822* (Paris, Firmin-Didot, pp. 512), a study at once of the emigration and of the Restoration.

In a book entitled *M. Thiers, le Comte de St. Vallier, le Général de Manteuffel; Libération du Territoire (1871-1873)* and published by MM. Armand Colin and Co., M. Henri Doniol has gathered together a mass of unpublished documents on the episode in question, especially having use of the daily correspondence of Thiers with the French plenipotentiary, M. de St. Vallier.

Noteworthy article in periodicals: H. Hauser, *De l'Humanisme et de la Réforme en France, 1512-1552* (*Revue Historique*, July); M. Sepet, *Le Théâtre en France avant Corneille* (*Revue des Questions Historiques*, July); H. Vast, *Les Tentatives de Louis XIV. pour arriver à l'Empire* (*Revue Historique*, September); Comte d'Haussonville, *Le Mariage de la Duchesse de Bourgogne* (*Revue des Deux Mondes*, June 1); H. Sée, *Les Idées politiques de Diderot* (*Revue Historique*, September); C. H. Lincoln, *Rousseau and the French Revolution* (*Annals of the American Academy of Political Science*, July); F. Aulard, *La Séparation de l'Église et de l'État, 1794-1802* (*Revue de Paris*, May 1); A. Sorel, *L'Europe et le Directoire* (*Revue des Deux Mondes*, July 15); E. Welvert, *Les Conventionnels régicides après la Révolution* (*Revue Historique*, July); A. de Ganniers, *La Campagne de Russie* (*Revue des Questions Historiques*, July).

#### ITALY, SPAIN.

*Le Bibliographe Moderne*, No. 2, March-April, contains the text of the new regulations made by the Italian government for archivists of the archives of state.

The first number of the *Archivio Storico Italiano* for 1897 contains a general list, by M. Léon G. Pélissier, of French publications relating to the history of Italy, published 1894-1896.

An important study of the constitution of Florence is to be found in Fasc. 31 of Sig. A. Gherardi's *Consulte della Repubblica Fiorentina*, this number being the Introduction to the series.

Professor Eugenio Musatti has brought out a general political history of Venice, extending down to the extinction of the republic, under the title *La Storia Politica di Venezia secondo le ultime Ricerche* (Padua, fratelli Gallina, pp. 511).

The National Historical Archives of Madrid have recently acquired 9300 portfolios of manuscripts which have come down from the military orders of Santiago, Alcántara and Calatrava; a large number of portfo-

lios and volumes from the archives of the University of Alcalá de Henares; all the papers of the old University of Sigüenza; and the entire contents of the suppressed Archivio Historico of Toledo. The archives are henceforth to be open from 8:30 a. m. to 4:30 p. m.

Señor Julian Ribera, professor in the University of Saragossa, is about to publish an original contribution to the history of the origin of the judicial system of Aragon, under the title *El Justicia de Aragón y la Organización Jurídica de los Musulmanes Españoles*. The text, with omission of the notes, is to appear in the *Revista Crítica de Historia y Literatura*, and the first installment is presented in the May-June number.

A portion of the early financial history of Spain is illustrated by two monographs of identical title by R. Sanchez de Ocaña and Jeronimo Lopez de Ayala respectively: *Contribuciones é Impuestos en Leon y Castilla durante la Edad Media*, both of which have been crowned by the Academy of Moral and Political Sciences.

M. G. Desdevises du Dezert has published the first volume of a careful study of Spain at the end of the last century, which should be of interest to American readers: *L'Espagne de l'Ancien Régime; La Société* (Paris, Lecène et Oudin, pp. 294).

#### GERMANY, AUSTRIA, SWITZERLAND.

The Prussian Historical Institute in Rome has begun the periodical publication of *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* (semi-annual, Rome, E. Loescher).

The latest addition to the *Monumenta Germaniae Historica* is Tom. III. of the *Libelli de Lite Imperatorum et Pontificum sæculis XI. et XII. conscripti* (Hannover, Hahn, pp. 775).

The Historical Commission connected with the Bavarian Academy has published Abth. I., Bd. I., of the *Hanserecesse, 1256-1430* (Leipzig, Duncker und Humblot, pp. 832). A recent book of considerable interest in the same field is Dr. E. R. Daenell's *Geschichte der deutschen Hanse in der zweiten Hälfte des 14. Jahrhunderts* (Leipzig, B. G. Teubner).

The years 1425-1433 are covered by the latest instalment (Bd. II., Lief. I., pp. 1-240) of the *Regesta Imperii XI. Die Urkunden Kaiser Sigmunds*, edited by Dr. Wilhelm Altmann.

Professor Anton Weiss's *Æneas Sylvius Piccolomini als Papst Pius II., sein Leben und Einfluss auf die literarische Cultur Deutschlands* (Graz, U. Moser, pp. 297) is his inaugural address as rector of the University of Graz, supplemented by 149 hitherto unprinted letters of the pope, from a manuscript in the Hof-bibliothek in Vienna.

The sixth and seventh volumes of the translation of Sybel's *Founding of the German Empire* are shortly to be published by Messrs. T. Y. Crowell and Co.

An archæological institute at Vienna, with the objects usual to governmental establishments of the sort, has been organized by the Austrian government.



Vol. VI. of the Swiss government's *Amtliche Sammlung der Acten aus der Zeit der helvetischen Republik*, ed. Johannes Strickler, extends from August, 1800, to May, 1801 (Basel, A. Geering, pp. 983).

Noteworthy articles in periodicals: W. Schultze, *Principat, Comitatus, Nobilität im 13. Kapitel der Germania des Tacitus* (Deutsche Zeitschrift für Geschichtswissenschaft, N. F. II., Viert. 1.); R. Schröder, *Neuere Forschungen zur fränkischen Rechtsgeschichte*, II. (Historische Zeitschrift, LXXIX. 2); M. Ritter, *Die pfälzische Politik und die böhmische Königswahl 1619* (Historische Zeitschrift, LXXXIX. 2); G. Küntzel, *Der Vertrag von Westminster, 1756* (Forschungen zur brandenb. und preuss. Geschichte, IX. 2).

#### NETHERLANDS AND BELGIUM.

A book having a certain interest for students of the foreign connections of the American Revolution, as well as great interest for students of Dutch history, is Mr. Colenbrander's *De Patriottentyd*, based on careful studies in Dutch and other archives. The first volume treats of the period from 1776 to 1784; the second will pursue the narrative to 1787.

In the *Revue Historique* of September-October Professor Eugène Hubert presents the first installment of a general review of Belgian historical publications of the years 1886-1896.

#### NORTHERN AND EASTERN EUROPE.

Dr. Ernst Bonnell has published the second and concluding volume of his *Beiträge zur Alterthumskunde Russlands* (St. Petersburg, Eggers, pp. 505-1104). The two volumes extend from the earliest times to about 400 A. D., and are based chiefly on the Greek and Roman writers.

The University of Christiania has published the first fasciculus (text, pp. 148) of *Rerum Normannicarum Fontes Arabici*, drawn from printed and manuscript books and edited by Professor Alexander Seippel.

The successors of J. G. Cotta, at Stuttgart, have brought out the third volume of the reminiscences of King Charles of Rumania, *Aus dem Leben König Karls v. Rumänien; Aufzeichnungen eines Augenzeugen* (pp. 502).

#### AMERICA.

The Historical Manuscripts Commission connected with the American Historical Association expect to present in their next report a list, supplementary to those now in print, of manuscript historical materials in American public or society libraries; also continuations of the letters of Phineas Bond to the British Foreign Office and of the Genet-Clark correspondence, of both of which the first instalments appeared in their first report, which is now passing through the press.

Messrs. Houghton, Mifflin and Co. announce for this autumn Mr. John Fiske's *Old Virginia and her Neighbors*, two volumes; Mr. Justin Winsor's *The Westward Movement; the Struggle for the Allegheny Re-*

gion, 1763-1797; *Colonial Mobile*, by Mr. Peter J. Hamilton; and the *Life and Times of Edward Bass, first Bishop of Massachusetts* (1726 to 1803), by Daniel D. Addison.

The Macmillan Co. have announced a series of volumes under the general title of "Stories from American History." The volumes now in preparation are: *Spanish Discovery and Conquest*, by Miss Grace King; *The War of 1812*, by Mr. James Barnes; *California History and Explorations*, by Mr. Charles H. Shinn; *Stories of American Pirates*, by Mr. Frank R. Stockton; *Tales of the Enchanted Isles of America*, by Col. Thomas Wentworth Higginson; and *The Active Life of a Confederate Soldier*, by Mr. George Cary Eggleston. The same publishers announce a *Student's History of the United States*, by Professor Edward Channing, of Harvard University.

Mr. George Parker Winship has printed in a small number of copies an admirably complete and scholarly *Cabot Bibliography*, originally published in the *Bulletin* of the Providence Public Library. The bibliography embraces both the original sources and later authors, and is carefully annotated.

The *Nation* of September 23d contains, on p. 242, a list of manuscripts relating to America found among the Clarendon manuscripts at the Bodleian Library, calendared by Mr. Falconer Madan.

Messrs. G. P. Putnam's Sons have announced that their series of "Writings of the Fathers of the Republic" will be continued by the addition of *The Writings of Samuel Adams*, now for the first time issued in collected form, to be edited by Dr. Harry Alonzo Cushing, of Columbia University. The first volume will not appear until late in 1898, and the early preliminary announcement will make possible the fullest coöperation of those persons who may have knowledge even of single manuscripts or prints bearing upon the subject. We are assured that any such assistance will be thoroughly appreciated. A large part of the matter already secured consists of material hitherto unpublished.

The Preston and Rounds Company of Providence, R. I., announce for early publication *The Diary of Colonel Israel Angell*, of the Continental Line, a diary extending from 1778 to 1781.

Mr. B. F. Stevens announces that the twenty-fifth volume, completing his series of fac-similes of *Documents relating to America*, will be exclusively devoted to an elaborate index, presenting a chronological list, an alphabetical index of writers and a subject-index.

Mr. Worthington C. Ford publishes under the title of *British Officers serving in the American Revolution, 1774 to 1783* (Dodd, Mead and Co.), a continuation of the similar list for the years 1754 to 1774, which he formerly published. This new list has been compiled from the army lists and from official registers and is, like the former one, arranged alphabetically.

The Macmillan Co. will publish this autumn *The Battle of Harlem Heights, September 16, 1776*, with a review of the events of the campaign, by Professor Henry P. Johnston, of the College of the City of New York. The book is one of the publications of the Columbia University Press, and will have illustrations from photographic views and plans.

The latest addition to the series of "Women of Colonial and Revolutionary Times" is Miss Anne Hollingsworth Wharton's *Martha Washington* (Scribner).

Messrs. Henry Holt and Co. announce a new edition of the *Federalist*, edited by Mr. Paul L. Ford. Pains have been taken to supply it with explanatory annotations and with notes pointing out the results of subsequent experience. Beside an introduction and an index, the new edition will have an appendix of constitutional documents, from the Declaration of Independence to the act creating the Electoral Commission.

The Brooklyn Historical Club has reprinted in a hundred copies the series of letters bearing on the relations of Jefferson and J. T. Callender, which Mr. Worthington C. Ford has been printing in the *New England Historical and Genealogical Register*.

Mr. C. M. Burton, of Detroit, Mich., of whose library an account was presented in a former issue of this REVIEW, possesses the orderly book of General James Winchester, compiled on that northern winter campaign which terminated at Frenchtown in January, 1813. The book was doubtless taken, at the time of the battle, by some French residents, and was preserved in their families. Mr. Burton desires to put this orderly book into print with proper annotations, provided he can obtain a sufficient number of subscriptions at the price of one dollar and a half.

The Old South Lectures maintained at Boston during the past summer related to the anti-slavery struggle. Among the *Old South Leaflets* published in connection with the series of lectures, one gives the text of the first number of the *Liberator*, another the eulogy delivered by Wendell Phillips at the funeral of Garrison in 1879. Bradford's *Dialogues* have also been added to the series, and Cotton Mather's lives of Bradford and Winthrop.

An important and interesting contribution to the history of the anti-slavery movement is presented by the life of *Abby Hopper Gibbons*, daughter of Isaac T. Hopper. The narrative is told chiefly from her correspondence, edited by her daughter, Mrs. Sarah Hopper Emerson, and is published in two volumes by Messrs. G. P. Putnam's Sons.

Mr. Henley T. Jones, bookseller in Williamsburgh, Virginia, announces a third volume of President L. G. Tyler's *Letters and Times of the Tylers*. This volume, of 234 pages, consists chiefly of letters extracted from the correspondence of Thomas Newton, M. C. from 1801 to 1831, Henry A. Wise, Robert J. Walker, James K. Polk, Cave Johnson, and Caleb Cushing, and illustrates chiefly the period from 1837 to 1845.

Mr. Richardson's official edition of the *Messages and Papers of the Presidents* has now been brought down to the opening of the Civil War. Vol. IV. covers the period from 1841 to 1849, Vol. V. that from 1849 to 1861.

General John M. Schofield's *Forty-Six Years in the Army* will shortly be published by the Century Co.

Series I. of the *Records of the Rebellion*, published by the government of the United States, has now reached its completion. The work has been in progress for twenty-three years, and has cost about two million dollars. The volumes now published number 111, not including an atlas and two volumes of supplementary indexes. The records of the two armies are now completed. Series II., III. and IV., relating to prisoners of war and the relations of the two governments to their states, will make only about 22 volumes. After their completion the War Department expects to go on and publish the records of the Revolutionary War and the War of 1812, in so far as they are in the possession of the government.

Messrs. Henry T. Coates and Company, of Philadelphia, announce for publication this autumn a *Life of General George Gordon Meade, Commander of the Army of the Potomac*, by Lieutenant Richard Meade Bache, with three photogravure portraits and twenty maps and plans.

A monograph of the *Battle of Franklin*, by General Jacob D. Cox, is issued by Charles Scribner's Sons.

Miss C. Alice Baker has published, after elaborate investigations in New England and in Canada, a volume of *True Stories of New England Captives* (Cambridge, Mass., the Author, pp. 407) carried off to Canada during the old French and Indian Wars. Her studies of this interesting episode in colonial history are curious and valuable.

The *Year Book* of the Massachusetts Society of Colonial Wars contains the address of Abner C. Goodell, Jr., at the celebration of the 600th anniversary of the English Parliament of 1295, the muster-rolls and a journal of the expedition against Port Royal in 1710, and a list of English prisoners in Canada at the same time.

Vol. IX. of the sixth series of the *Collections* of the Massachusetts Historical Society consists of an instalment of the Bowdoin and Temple papers, chiefly letters between James Bowdoin and his son-in-law, John (afterwards Sir John) Temple.

*A Memoir of Robert C. Winthrop (1809-1894)*, prepared for the Massachusetts Historical Society by R. C. Winthrop, Jr., is published by Messrs. Little, Brown and Co.

In the July number of the *Publications* of the Rhode Island Historical Society the most important portion of the contents consists of an address on "Civil Changes in the State," delivered by the president of the society, Hon. John H. Stiness, at its seventy-fifth anniversary.

The October number of the same society's *Publications* has for its principal contents an interesting and valuable document compiled during the War of 1812 by a clerk in the Providence post-office. It contains a list of 136 American privateers, with their respective captains, guns and men, and a list of 446 British vessels captured by the Americans, with a description of each chiefly relating to its value and characteristics as a prize.

The last issue in the second series of *Rhode Island Historical Tracts* (Number V.) is a paper by the editor and publisher of the series, Mr. Sidney S. Rider, entitled *Soul Liberty—Rhode Island's Gift to the Nation; an inquiry concerning the validity of the claims made by Roman Catholics that Maryland was settled upon that basis before Rhode Island*.

The Connecticut Historical Society has published the sixth volume of its *Collections*, comprising the town records of Hartford, Vol. I., 1635-1716. Those of Fairfield, 1649-1698, are to be printed by the town. The Society's seventh volume will consist entirely of documents relating to the first years of the Revolution—an orderly book and eight diaries or journals kept by persons quite various in position, officers, privates, a chaplain, a teamster. The Society has lately acquired, by gift from Miss Helen E. Smith, of New York, the correspondence and papers of John Cotton Smith, governor of Connecticut from 1813 to 1817. The correspondence includes about 1750 letters, and is an acquisition of the greatest value, especially for the period of the War of 1812. The Society's *Annual Report* contains a body of historical notes on the probate districts of Connecticut.

The Helman-Taylor Company, of Cleveland, Ohio, announce a volume on *The Pequot War*, made up of reprints of the contemporary accounts of Captain John Mason, Captain John Underhill, P. Vincent and Lion Gardiner, etc., with notes and an introduction by Charles Orr.

In Nos. 6, 7, 8 and 9 of the *Bulletin* of the New York Public Library the editor continues his calendar of the manuscripts in the Emmet collection relating to the members of the Continental Congress. He also presents in the June issue (No. 6) Meshech Weare's plan for colonial union, apparently drawn up in 1754; in that of July, certain papers of Smyth, of Nibley, relating to Virginia, 1613-1674; in the August number a beginning is made of the publication of a series of 237 copy-press letters of Washington, purchased by the Lenox Library in 1895. The letters here presented are mostly of the year 1794. No. 9 contains an interesting letter of Franklin to a Boston committee, relating to the Boston Tea Party.

Of the *Records of New Amsterdam from 1653 to 1674*, published by the city of New York and edited by Mr. Berthold Fernow, three handsome volumes have now been brought out. The first (pp. 421) contains the minutes of the court of burgomasters and schepens, 1653-1655, preceded by the ordinances of New Amsterdam from 1647 to 1661.

The second volume (pp. 429) continues the records of the court to August, 1658; Vol. III. to the end of 1661.

The latest issues of the *Half Moon Series* (G. P. Putnam's Sons) are *The Fourteen Miles Round*, by A. B. and M. M. Mason, and *Fort Amsterdam in the Days of the Dutch*, by Mrs. Maud Wilder Goodwin. The first twelve issues can now be obtained as a bound volume.

Messrs. G. P. Putnam's Sons have brought out the *Journals of John Lincklaen*, narrating his travels in the years 1791 and 1792 in Pennsylvania, New York and Vermont, with a biographical sketch and notes by Mrs. Helen Lincklaen Fairchild.

The July number of the *Pennsylvania Magazine of History and Biography* contains the first instalment of an elaborate and valuable treatise on the journals and papers of the Continental Congress, by Dr. Herbert Friedenwald, and an article by Lieut. R. M. Bache on the so-called "Franklin Prayer-Book." The number also contains a recently discovered letter of Justus Falckner, of Germantown, concerning the religious condition of Pennsylvania in 1701; and the continuation of Mr. Howard M. Jenkins's articles on the family of William Penn. Mr. W. S. Baker's itinerary of Washington is continued through the year 1797, and half way through the year 1798. This latter series, which thus approaches completion, will soon be issued as a volume, a companion to Mr. Baker's useful *Itinerary of General Washington, 1775-1783*.

The October number of the same journal contains the concluding portion of Mr. W. S. Baker's "Washington after the Revolution," and continuations of the contributions by Mr. Jenkins and Dr. Friedenwald mentioned above. It also contains brief memorials of Dr. Stone and Mr. Baker, whose death we have noticed on another page. The chief new piece in the number is the text of a dairy kept at Valley Forge, November 10, 1777 to January 8, 1778, by Dr. Albigece Waldo, a surgeon of the First Connecticut Infantry Regiment of the Line; a diary abounding in interesting details. This is accompanied by a reproduction of a map of the Revolutionary camp-ground at Valley Forge, prepared by the State commission created with a view to making the tract a public park. The map shows natural features, military lines, and the boundaries of former and present owners.

The Colonial Society of Pennsylvania proposes to re-publish in facsimile *The American Weekly Mercury*, from its inception in 1719 to its last issue in 1752. An index will be added. The edition will be limited to 250 copies, and the price will be \$7.50 a volume.

Mr. W. M. Meigs, of the Philadelphia bar, will issue this fall (Philadelphia, J. B. Lippincott Co.) a *Life of Charles Jared Ingersoll*.

We have received from Franklin and Marshall College the first part of its *Obituary Record* (pp. 245), presenting the biography of 219 deceased alumni of Marshall College (founded in 1835), and of Franklin and Marshall College, since the union achieved in 1853.

In the fifteenth series of the *Johns Hopkins Studies*, No. VI., by Mr. C. P. Neill, is entitled Daniel Raymond; an early chapter in the history of economic theory in the United States. Raymond was a Baltimore lawyer who, in 1820, published a treatise on political economy, the first systematic treatise on economics from the pen of an American showing the influence of American conditions. No. VII.-VIII. is an account of the economic history of the Baltimore and Ohio Railroad, 1827 to 1853, by Dr. Milton Reizenstein.

Dr. Alexander Brown, author of *The Genesis of the United States*, now proposes the issue of a second book in one volume (Houghton, Mifflin and Co.) under the title of *The First Republic in America*. The work relates to the entire movement for colonizing America during the years from 1605 to 1627, with especial reference to the work of the Virginia Company. For the period ending 1616 the new volume will present such documents as Mr. Brown has discovered since the issue of the former work. For the years from 1617 to 1627 it will not consist so largely of documentary material as did that work, but will take the form of a narrative founded securely upon documentary evidence.

The July number of the *Virginia Magazine of History and Biography* presents in this issue (we must say with too little indication of the history and derivation of the manuscripts) a large amount of valuable unprinted matter respecting the earlier portion of the colonial history of Virginia. The chief topics of the papers now published are the boundary line proceedings of 1710, the decisions of the General Court between 1664 to 1670, the government of Virginia in 1666, the House of Burgesses from 1685 to 1691, and Bacon's Rebellion. The early records of Northampton County and the letters of William Fitzhugh are continued.

The July number of the *William and Mary College Quarterly Historical Magazine* contains a few pages of interesting matter respecting education in colonial Virginia and respecting Virginian voting in the colonial period. The rest of the contents of the present number is almost entirely genealogical.

The Historical Society of Trinity College, Durham, N. C., an organization chiefly composed of students in the college, has just printed a volume of essays in the history of the State, more especially but not exclusively in the period of Reconstruction. It is entitled *Reconstruction and State Biography*.

A project is being discussed in Georgia for the publication of the historical records of the colony and the state.

In Mr. George P. Humphrey's series of "American Colonial Tracts," published at Rochester, Number III. is a *A State of the Province of Georgia, attested upon oath in the Court of Savannah, November 10, 1740* (London, 1742). Number IV. is *A True Historical Narrative of the Colony of Georgia in America from the first Settlement thereof, until this Period*, by Dr. Patrick Tailfer, Hugh Anderson and others



(Charleston, 1741). Number V. is *An Account showing the Progress of the Colony of Georgia in America, from its first Establishment* (London, 1741; Annapolis, Md., 1742). No. VI. is a reprint of *Nova Britannia* (London, 1609). The seventh will be *The New Life of Virginia* (London, 1612).

The Statute Law-Book Co. of Washington, D. C., has reprinted, in editions of only 50 copies respectively, the *Acts and Resolutions of the General Assembly of the State of Georgia*, passed in Atlanta at the session of 1870, and the *Private and Temporary Acts of the thirty-sixth General Assembly of the State of New Jersey*, third sitting, 1812.

Mr. John G. Gregory contributes a study of the *Land-Limitation Movement*, a Wisconsin episode of 1848-1851, as No. 14 of the *Parkman Club Publications*.

Dr. Benjamin F. Shambaugh, assistant professor in the State University of Iowa, has brought out in a volume (Iowa City, State Historical Society, pp. 287) the eight numbers thus far issued of his *Documentary Material relating to the History of Iowa*, of which the earlier numbers were noticed in these pages.

The *Annals of Iowa* for July contains a careful account of the history of Fort Madison, derived from original materials in the archives of the War Department at Washington. It is intended to provide similar historical accounts of all of the old forts in Iowa.

Col. Henry Inman, late of the United States Army, expects to bring out this autumn, through the Macmillan Co., a volume on *The Old Santa Fé Trail*.

*The Quarterly of the Texas State Historical Association* makes its first appearance with a July number, containing the address of the president, ex-Governor O. M. Roberts, and several articles. Among these the most important are an essay on the history of Texas geography by Judge Z. T. Fulmore, Senator Reagan's eye-witness account of the expulsion of the Cherokees from East Texas, and an article by Mr. Wm. Corner on John C. Duval.

The first two volumes of J. S. Hittell's *History of California* were published in 1886. The third, proceeding from 1848 to 1852, is now issued at San Francisco by N. J. Stone and Co. (pp. 981).

The *History of the County of Annapolis*, including old Port Royal and Acadia, with memoirs of its representatives in the provincial parliament, and biographical and genealogical sketches of its early English settlers and their families, written by W. A. Calnek, and edited and completed by A. W. Savery, has lately been published at Toronto (W. Briggs, pp. 660).

Noteworthy articles in periodicals: J. Batalha Reis, *The supposed Discovery of South America before 1448* (Geographical Journal, April); E. Ibarra, *Estudios Colombinos* (Revista Contemporánea, February 15);

H. HARRISSE, *When did Cabot discover North America?* (Forum, June); MARQUIS OF DUFFERIN AND AVA, *John Cabot* (Scribner, July); A. G. VOIGT, *John Wesley and the Salzburgers* (Lutheran Quarterly, July); A. INKERSLEY, *Alexander Baranoff and the Russian Colonies of America* (Overland Monthly, July); *General Grant's Letters to a Friend* (North American Review, July, August); G. A. FORSYTH, *Sheridan's Ride* (Harper, July); J. M. SCHOFIELD, *Controversies in the War Department* (Century, August).